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OF

BENJAMIN FRANKLIN.

VOL. IV.

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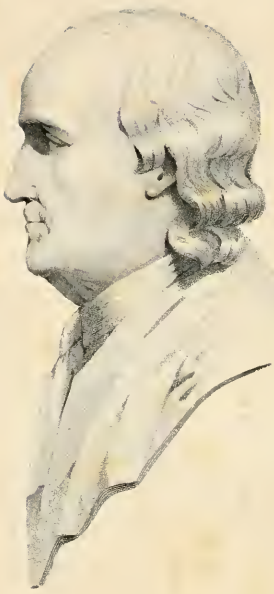

FRANKLIN.

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THE

WORKS

OF

BENJAMIN FRANKLIN;

CONTAINING

SEVERAL POLITICAL AND HISTORICAL TRACTS

NOT INCLUDED IN ANY FORMER EDITION,

AND

MANY LETTERS OFFICIAL AND PRIVATE

NOT HITHERTO PUBLISHED;

WITH

NOTES

AND

A LIFE OF THE AUTHOR.

By JARED SPARKS.

VOLUME IV.

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ESSAYS AND TRACTS,

HISTORICAL AND POLITICAL,

BEFORE

THE AMERICAN REVOLUTION.

(CONTINUED.)

THE

INTEREST OF GREAT BRITAIN CONSIDERED,

WITH REGARD TO HER COLONIES

AND THE ACQUISITIONS OF

CANADA AND GUADALOUPE.

This pamphlet was first published anonymously in London, in the year 1760. At that time the war with France was about coming to a close, and the politicians were fruitful in their speculations on the terms of peace, particularly after Canada had fallen into the hands of the British, by the brilliant victory of Wolfe at Quebec. It was a question much discussed, whether Canada should be retained, or whether it should be given back to the French as a set-off for acquisitions in the West Indies. The controversy was carried on with warmth, and the public attention was attracted to it, not more from the importance of the subject, than from the ability of the writers enlisted on each side.

The Earl of Bath wrote and published a *Letter to Two Great Men*, (Mr. Pitt and the Duke of Newcastle,) in which he advanced reasons for keeping Canada, as more valuable to England than any West India possessions, that could be obtained as an equivalent. Shortly afterwards appeared "*Remarks* on the Letter to Two Great Men," without a name, but ascribed by some to Edmund Burke, and by others to William Burke. The author took the opposite ground, preferring Guadaloupe to Canada, and maintaining his position with much display of political knowledge and ingenious argument.

At this stage of the controversy, Franklin entered the lists, and sent out the following tract, in which he comments upon these two performances, and applies himself particularly to expose the fallacies and confute the arguments of the Remarker. This task was so successfully executed, and his views were enforced by such clearness of illustration and cogency of reasoning, that the pamphlet was believed to have had great weight in the ministerial

councils, and to have been mainly instrumental in causing Canada to be held at the peace.

The arguments were ably met, however, in a subsequent pamphlet entitled, "An Examination of the Commercial Principles of the late Negotiation between Great Britain and France in 1761," supposed likewise to have been written by Mr. Burke; and the style of its execution might well have justified such a conjecture, if there had not been other grounds for the belief. The same doctrines are advanced, as in the "Remarks." The writer puts forth his chief strength to confute the following pamphlet; and the estimation, in which he held the author of it, may be inferred from his manner of introducing the subject. After stating that he should confine his remarks to the writer of this performance, he adds as a reason, because, of all those, who had treated the opposite side of the question, "he is clearly the ablest, the most ingenious, the most dexterous, and the most perfectly acquainted with the *fort* and *foible* of the argument; and we may therefore conclude, that he has said every thing, and every thing in the best manner, that the cause could bear." This was high praise to come from an opponent, who, if he hoped to triumph, was fully aware of the arduous nature of his undertaking. In fact he failed; for he could not convince the public, nor the ministry, that Guadaloupe was better for England than Canada; nor could his zeal and eloquence avail to divert the negotiation from its first channel.

I HAVE perused, with no small pleasure, the *Letter addressed to Two Great Men*, and the *Remarks* on that letter. It is not merely from the beauty, the force, and perspicuity of expression, or the general elegance of manner, conspicuous in both pamphlets, that my pleasure chiefly arises; it is rather from this, that I have lived to see subjects of the greatest importance to this nation publicly discussed without party views or party heat, with decency and politeness, and with no other warmth, than what a zeal for the honor and happiness of our King and country may inspire; and this by writers, whose understanding, however they

may differ from each other, appears not unequal to their candor and the uprightness of their intention.

But, as great abilities have not always the best information, there are, I apprehend, in the *Remarks*, some opinions not well founded, and some mistakes of so important a nature, as to render a few observations on them necessary for the better information of the public.

The author of the Letter, who must be every way best able to support his own sentiments, will, I hope, excuse me, if I seem officiously to interfere; when he considers, that the spirit of patriotism, like other qualities good and bad, is catching, and that his long silence, since the Remarks appeared, has made us despair of seeing the subject farther discussed by his masterly hand. The ingenious and candid Remarker, too, who must have been misled himself, before he employed his skill and address to mislead others, will certainly, since he declares he *aims at no seduction*, be disposed to excuse even the weakest effort to prevent it.

And surely, if the general opinions that possess the minds of the people may possibly be of consequence in public affairs, it must be fit to set those opinions right. If there is danger, as the Remarker supposes, that "extravagant expectations" may embarrass "a virtuous and able ministry," and "render the negotiation for peace a work of infinite difficulty," * there is no less danger, that expectations too low, through want of proper information, may have a contrary effect; may make even a virtuous and able ministry less anxious, and less attentive to the obtaining points, in which the honor and interest of the nation

* Remarks, p. 6.

are essentially concerned; and the people less hearty in supporting such a ministry and its measures.

The people of this nation are indeed respectable, not for their numbers only, but for their understanding and their public spirit. They manifest the first by their universal approbation of the late prudent and vigorous measures, and the confidence they so justly repose in a wise and good prince, and an honest and able administration; the latter they have demonstrated by the immense supplies granted in Parliament unanimously, and paid through the whole kingdom with cheerfulness. And, since to this spirit and these supplies our "victories and successes"* have in great measure been owing, is it quite right, is it generous to say, with the Remarker, that the people "had no share in acquiring them?" The mere mob he cannot mean, even where he speaks of the madness of the people; for the madness of the mob must be too feeble and impotent, armed as the government of this country at present is, to "overrule,"† even in the slightest instances, the virtue "and moderation" of a firm and steady ministry.

While the war continues, its final event is quite uncertain. The victorious of this year may be the vanquished of the next. It may therefore be too early to say, what advantages we ought absolutely to insist on, and make the *sine quibus non* of a peace. If the necessity of our affairs should oblige us to accept of terms less advantageous than our present successes seem to promise us, an intelligent people, as ours is, must see that necessity, and will acquiesce. But as a peace, when it is made, may be made hastily; and as the unhappy continuance of the war affords us time to con-

* Remarks, p. 7.

† Ibid. p. 7.

sider, among several advantages gained or to be gained, which of them may be most for our interest to retain, if some and not all may possibly be retained; I do not blame the public disquisition of these points, as premature or useless. Light often arises from a collision of opinions, as fire from flint and steel; and if we can obtain the benefit of the *light*, without danger from the *heat* sometimes produced by controversy, why should we discourage it?

Supposing then, that Heaven may still continue to bless his Majesty's arms, and that the event of this just war may put it in our power to retain some of our conquests at the making of a peace; let us consider,

1. *The Security of a Dominion, a justifiable and prudent Ground upon which to demand Cessions from an Enemy.*

Whether we are to confine ourselves to those possessions only, that were "the objects for which we began the war." * This the Remarker seems to think right, when the question relates to "*Canada, properly so called;* it having never been mentioned as one of those objects, in any of our memorials or declarations, or in any national or public act whatsoever." But the gentleman himself will probably agree, that if the cession of Canada would be a real advantage to us, we may demand it under his second head, as an "*indemnification* for the charges incurred" in recovering our just rights; otherwise, according to his own principles, the demand of Guadaloupe can have no foundation. That "our claims before the war were large enough for possession and for security too," † though it seems a clear point with the ingenious Remarker, is, I own, not

* Remarks, p. 19.

† Ibid. p. 19.

so with me. I am rather of the contrary opinion, and shall presently give my reasons.

But first let me observe, that we did not make those claims because they were large enough for security, but because we could rightfully claim no more. Advantages gained in the course of this war may increase the extent of our rights. Our claims before the war contained *some* security; but that is no reason why we should neglect acquiring *more*, when the demand of more is become reasonable. It may be reasonable in the case of America, to ask for the security recommended by the author of the Letter,* though it would be preposterous to do it in many cases. His proposed demand is founded on the little value of Canada to the French; the right we have to ask, and the power we may have to insist on an indemnification for our expenses; the difficulty the French themselves will be under of restraining their restless subjects in America from encroaching on our limits and disturbing our trade; and the difficulty on our part of preventing encroachments, that may possibly exist many years without coming to our knowledge.

But the Remarker "does not see why the arguments, employed concerning a security for a peaceable behaviour in Canada, would not be equally cogent for calling for the same security in Europe."† On a little farther reflection, he must, I think, be sensible, that the circumstances of the two cases are widely different. *Here* we are separated by the best and clearest of boundaries, the ocean, and we have people in or near every part of our territory. Any attempt to encroach upon us, by building a fort, even in the obscurest cor-

* Page 30 of the Letter, and p. 21 of the Remarks.

† Remarks, p. 28.

ner of these Islands, must therefore be known and prevented immediately. The aggressors also must be known, and the nation they belong to would be accountable for their aggression. In America it is quite otherwise. A vast wilderness, thinly or scarce at all peopled, conceals with ease the march of troops and workmen. Important passes may be seized within our limits, and forts built in a month, at a small expense, that may cost us an age and a million to remove. Dear experience has taught this. But what is still worse, the wide-extended forests between our settlements and theirs are inhabited by barbarous tribes of savages, that delight in war, and take pride in murder; subjects properly neither of the French nor English, but strongly attached to the former by the art and indefatigable industry of priests, similarity of superstitions, and frequent family alliances. These are easily, and have been continually, instigated to fall upon and massacre our planters, even in times of full peace between the two crowns, to the certain diminution of our people and the contraction of our settlements.* And,

* A very intelligent American writer, Dr. Clarke, in his *Observations on the late and present Conduct of the French, &c.* printed at Boston, 1755, says,

"The Indians in the French interest are, upon all proper opportunities, *instigated by their priests* (who have generally the chief management of their public councils) to acts of hostility against the English, even in time of profound peace between the two crowns. Of this there are many undeniable instances. The war between the Indians and the colonies of the Massachusetts Bay and New Hampshire, in 1723, by which those colonies suffered so much damage, was begun by the instigation of the French; their supplies were from them; and there are now original letters of several Jesuits to be produced, whereby it evidently appears, that they were continually animating the Indians, when almost tired with the war, to a farther prosecution of it. The French not only excited the Indians, and supported them, but joined their own forces with them in all the late hostilities, that have been committed within his Majesty's province of Nova Scotia. And from an intercepted

though it is known they are supplied by the French, and carry their prisoners to them, we can, by complaining, obtain no redress, as the governors of Canada have a ready excuse, that the Indians are an independent people, over whom they have no power, and for whose actions they are, therefore, not accountable. Surely circumstances so widely different may reasonably authorize different demands of security in America, from such as are usual or necessary in Europe.

The Remarker however thinks, that our real dependence for keeping "France or any other nation true to her engagements must not be in demanding securities, which no nation whilst *independent* can give, but on our own strength and our own vigilance." * No nation that has carried on a war with disadvantage, and is unable to continue it, can be said under such circumstances to be *independent;* and, while either side thinks itself in a condition to demand an indemnification, there is no man in his senses, but will, *cæteris paribus*, prefer an indemnification, that is a cheaper and more effectual security than any other he can think of. Nations in this situation demand and cede countries by almost every treaty of peace that is made. The French part

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letter this year from the Jesuits at Penobscot, and from other information, it is certain, that they have been using their utmost endeavours to excite the Indians to new acts of hostility against his Majesty's colony of the Massachusetts Bay; and some have been committed. The French not only excite the Indians to acts of hostility, but reward them for it by *buying the English prisoners of them;* for the ransom of each of which they afterwards demand of us the price, that is usually given for a slave in these colonies. They do this under the specious pretence of rescuing the poor prisoners from the cruelties and barbarities of the savages; but in reality to encourage them to continue their depredations, as they can by this means get more by hunting the English, than by hunting wild beasts; and the French, at the same time, are thereby enabled to keep up a large body of Indians, entirely at *the expense of the English.*"

* Remarks, p. 25.

of the island of St. Christopher's was added to Great Britain in circumstances altogether similar to those, in which a few months may probably place the country of Canada. Farther security has always been deemed a motive with a conqueror to be less moderate; and even the *vanquished* insist upon security as a reason for demanding what they acknowledge they could not otherwise properly ask.

The security of the frontier of France *on the side of the Netherlands* was always considered in the negotiation, that began at Gertrudenberg and ended with that war. For the same reason they demanded and had Cape Breton. But a war, concluded to the advantage of France, has always added something to the power, either of France or the House of Bourbon. Even that of 1733, which she commenced with declarations of her having no ambitious views, and which finished by a treaty at which the ministers of France repeatedly declared, that she desired nothing for herself, in effect gained for her Lorraine, an indemnification ten times the value of all her North American possessions.

In short, security and quiet of princes and states have ever been deemed sufficient reasons, when supported by power, for disposing of rights; and such dispositions have never been looked on as want of moderation. It has always been the foundation of the most general treaties. The security of Germany was the argument for yielding considerable possessions there to the Swedes; and the security of Europe divided the Spanish monarchy by the partition treaty, made between powers who had no other right to dispose of any part of it. There can be no cession, that is not supposed at least to increase the power of the party to whom it is made. It is enough that he has a

right to ask it, and that he does it not merely to serve the purposes of a dangerous ambition.

Canada, in the hands of Britain, will endanger the kingdom of France as little as any other cession; and from its situation and circumstances cannot be hurtful to any other state. Rather, if peace be an advantage, this cession may be such to all Europe. The present war teaches us, that disputes arising in America may be an occasion of embroiling nations, who have no concerns there. If the French remain in Canada and Louisiana, fix the boundaries as you will between us and them, we must border on each other for more than fifteen hundred miles. The people that inhabit the frontiers are generally the refuse of both nations, often of the worst morals and the least discretion; remote from the eye, the prudence, and the restraint of government. Injuries are therefore frequently, in some part or other of so long a frontier, committed on both sides, resentment provoked, the colonies are first engaged, and then the mother countries. And two great nations can scarce be at war in Europe, but some other prince or state thinks it a convenient opportunity to revive some ancient claim, seize some advantage, obtain some territory, or enlarge some power at the expense of a neighbour. The flames of war, once kindled, often spread far and wide, and the mischief is infinite. Happy it proved to both nations, that the Dutch were prevailed on finally to cede the New Netherlands (now the province of New York) to us at the peace of 1674; a peace that has ever since continued between us, but must have been frequently disturbed, if they had retained the possession of that country, bordering several hundred miles on our colonies of Pennsylvania westward, Connecticut and the Massachusetts eastward. Nor is it to be wondered at,

that people of different language, religion, and manners, should in those remote parts engage in frequent quarrels; when we find, that even the people of our own colonies have frequently been so exasperated against each other, in their disputes about boundaries, as to proceed to open violence and bloodshed.

2. *Erecting Forts in the back Settlements, almost in no Instance a sufficient Security against the Indians and the French; but the Possession of Canada implies every Security, and ought to be had, while in our Power.*

But the Remarker thinks we shall be sufficiently secure in America, if we "raise English forts at such passes as may at once make us respectable to the French and to the Indian nations." * The security desirable in America may be considered as of three kinds. 1. A security of possession, that the French shall not drive us out of the country. 2. A security of our planters from the inroads of savages, and the murders committed by them. 3. A security that the British nation shall not be obliged, on every new war, to repeat the immense expense occasioned by this, to defend its possessions in America.

Forts in the most important passes may, I acknowledge, be of use to obtain the *first* kind of security; but, as those situations are far advanced beyond the inhabitants, the expense of maintaining and supplying the garrisons will be very great, even in time of full peace, and immense on every interruption of it; as it is easy for skulking parties of the enemy, in such long roads through the woods, to intercept and cut off our convoys, unless guarded continually by great bodies of men.

* Remarks, p. 25.

The *second* kind of security will not be obtained by such forts, unless they were connected by a wall like that of China, from one end of our settlements to the other. If the Indians, when at war, marched like the Europeans, with great armies, heavy cannon, baggage, and carriages; the passes through which alone such armies could penetrate our country, or receive their supplies, being secured, all might be sufficiently secure. But the case is widely different; they go to war, as they call it, in small parties; from fifty men down to five. Their hunting life has made them acquainted with the whole country, and scarce any part of it is impracticable to such a party. They can travel through the woods even by night, and know how to conceal their tracks. They pass easily between your forts undiscovered; and privately approach the settlements of your frontier inhabitants. They need no convoys of provisions to follow them; for whether they are shifting from place to place in the woods, or lying in wait for an opportunity to strike a blow, every thicket and every stream furnishes so small a number with sufficient subsistence. When they have surprised separately, and murdered and scalped a dozen families, they are gone with inconceivable expedition through unknown ways; and it is very rare that pursuers have any chance of coming up with them.* In short, long

* "Although the Indians live scattered, as a hunter's life requires, they may be collected together from almost any distance; as they can find their subsistence from their gun in their travelling. But, let the number of the Indians be what it will, they are not formidable merely on account of their numbers; there are many other circumstances that give them a great advantage over the English. The English inhabitants, though numerous, are extended over a large tract of land, five hundred leagues in length on the sea shore; and, although some of their trading towns are thick settled, their settlements in the country towns must be at a distance from each other; besides that in a new country, where lands are cheap, people are fond of acquiring large tracts to themselves; and

experience has taught our planters, that they cannot rely upon forts as a security against Indians; the inhabitants of Hackney might as well rely upon the tower of London, to secure them against highwaymen and housebreakers.

As to the *third* kind of security, that we shall not, in a few years, have all we have done to do over again in America, and be obliged to employ the same number of troops and ships, at the same immense expense, to defend our possessions there, while we are in proportion

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therefore, in the out settlements, they must be more remote; and, as the people that move out are generally poor, they sit down either where they can easiest procure land, or soonest raise a subsistence. Add to this, that the English have fixed, settled habitations, the easiest and shortest passage to which the Indians, by constantly hunting in the woods, are perfectly well acquainted with; whereas the English know little or nothing of the Indian country, or of the passages through the woods that lead to it. The Indian way of making war is by sudden attack upon exposed places; and as soon as they have done mischief they retire, and either go home by the same or some different route, as they think safest, or go to some other place at a distance, to renew their stroke. If a sufficient party should happily be ready to pursue them, it is a great chance, whether in a country consisting of woods and swamps, which the English are not acquainted with, the enemy do not lie in ambush for them in some convenient place, and from thence destroy them. If this should not be the case, but the English should pursue them, as soon as they have gained the rivers, by means of their canoes (to the use of which they are brought up from their infancy) they presently get out of their reach. Further, if a body of men were to march into their country, to the place where they are settled, they can, upon the least notice, without great disadvantage, quit their present habitations, and betake themselves to new ones." — Clarke's *Observations*, p. 13.

"It has been already remarked, that the tribes of the Indians, living upon the lakes and rivers that run upon the back of the English settlements in North America, are very numerous, and can furnish a great number of fighting men, all perfectly well acquainted with the use of arms as soon as capable of carrying them, as they get the whole of their subsistence from hunting; and that this army, large as it may be, can be maintained by the French without any expense. From their numbers, their situation, and the rivers that run into the English settlements, it is easy to conceive, that they can at any time make an attack upon, and constantly annoy, as many of the exposed English settlements as they

weakened here; such forts, I think, cannot prevent this. During a peace, it is not to be doubted the French, who are adroit at fortifying, will likewise erect forts in the most advantageous places of the country we leave them; which will make it more difficult than ever to be reduced in case of another war. We know, by experience of this war, how extremely difficult it is to march an army through the American woods, with its necessary cannon and stores, sufficient to reduce a very slight fort. The accounts at the treasury will tell you what amazing sums we have necessarily spent in the expeditions against two very trifling forts, Duquesne and Crown Point. While the French retain their influence over the Indians, they can easily keep our long-extended frontier in continual alarm, by a very few of those people; and, with a small number of regulars and militia, in such a country, we find they can keep an army of ours in full employ for several years. We therefore shall not need to be told by our colonies, that, if we leave Canada, however circumscribed, to the French, "we have done nothing";* we shall soon be made sensible *ourselves* of this truth, and to our cost.

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please, and those at any distance from each other. The effects of such incursions have been too severely felt by many of the British colonies, not to be very well known. The entire breaking up places, that had been for a considerable time settled at a great expense both of labor and money; burning the houses, destroying the flock, killing and making prisoners great numbers of the inhabitants, with all the cruel usage they meet with in their captivity, is only a part of the scene. All other places, that are exposed, are kept in continual terror; the lands lie waste and uncultivated, from the danger that attends those that shall presume to work upon them; besides the immense charge the governments must be at in a very uneffectual manner to defend their extended frontiers; and all this from the influence the French have had over, but comparatively, a few of the Indians. To the same or greater evils still will every one of the colonies be exposed, whenever the same influence shall be extended to the whole body of them." — *Ibid.* p. 20.

* Remarks, p. 26.

I would not be understood to deny, that, even if we subdue and take Canada, some *few forts* may be of use to secure the goods of the traders, and protect the commerce, in case of any sudden misunderstanding with any tribe of Indians; but these forts will be best under the care of the colonies interested in the Indian trade, and garrisoned by their provincial forces, and at their own expense. Their own interest will then induce the American governments to take care of such forts in proportion to their importance, and see that the officers keep their corps full, and mind their duty. But any troops of ours placed there, and accountable here, would, in such remote and obscure places, and at so great a distance from the eye and inspection of superiors, soon become of little consequence, even though the French were left in possession of Canada. If the four independent companies, maintained by the crown in New York more than forty years, at a great expense, consisted, for most part of the time, of faggots chiefly; if their officers enjoyed their places as sinecures, and were only, as a writer * of that country styles them, a kind of military monks; if this was the state of troops posted in a populous country, where the imposition could not be so well concealed; what may we expect will be the case of those, that shall be posted two, three, or four hundred miles from the inhabitants, in such obscure and remote places as Crown Point, Oswego, Duquesne, or Niagara? They would scarce be even faggots; they would dwindle to mere names upon paper, and appear nowhere but upon the muster-rolls.

Now all the kinds of security we have mentioned are obtained by subduing and *retaining* Canada. Our

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* Douglass.

present possessions in America are secured; our planters will no longer be massacred by the Indians, who, depending absolutely on us for what are now become the necessaries of life to them (guns, powder, hatchets, knives, and clothing), and having no other Europeans near, that can either supply them, or instigate them against us; there is no doubt of their being always disposed, if we treat them with common justice, to live in perpetual peace with us. And, with regard to France, she cannot, in case of another war, put us to the immense expense of defending that long-extended frontier; we shall then, as it were, have our backs against a wall in America; the sea-coast will be easily protected by our superior naval power; and here "our own watchfulness and our own strength" will be properly, and cannot but be successfully, employed. In this situation, the force now employed in that part of the world may be spared for any other service here or elsewhere; so that both the offensive and defensive strength of the British empire, on the whole, will be greatly increased.

But to leave the French in possession of Canada, when it is in our power to remove them, and depend (as the Remarker proposes) on our own "strength and watchfulness"* to prevent the mischiefs that may attend it, seems neither safe nor prudent. Happy as we now are, under the best of kings, and in the prospect of a succession promising every felicity a nation was ever blessed with; happy too in the wisdom and vigor of every part of the administration; we cannot, we ought not to promise ourselves the uninterrupted continuance of those blessings. The safety of a considerable part of the state, and the interest of the whole, are not to be trusted to the wisdom and vigor of *future adminis-*

* Remarks, p. 25.

trations; when a security is to be had more effectual, more constant, and much less expensive. They, who can be moved by the apprehension of dangers so remote, as that of the future independence of our colonies (a point I shall hereafter consider), seem scarcely consistent with themselves, when they suppose we may rely on the wisdom and vigor of an administration for their safety. I should indeed think it less material whether Canada were ceded to us or not, if I had in view only the security of *possession* in our colonies. I entirely agree with the Remarker, that we are in North America "a far greater continental as well as naval power," and that only cowardice or ignorance can subject our colonies there to a French conquest. But, for the same reason, I disagree with him widely upon another point.

3. *The Blood and Treasure spent in the American Wars, not spent in the Cause of the Colonies alone.*

I do not think, that our "blood and treasure has been expended," as he intimates, "in the cause of the colonies," and that we are, "making conquests for *them;*"* yet I believe this is too common an error. I do not say, they are altogether unconcerned in the event. The inhabitants of them are, in common with the other subjects of Great Britain, anxious for the glory of her crown, the extent of her power and commerce, the welfare and future repose of the whole British people. They could not, therefore, but take a large share in the affronts offered to Britain; and have been animated with a truly British spirit to exert themselves beyond their strength, and against their evident interest. Yet so unfortunate have they been, that their virtue has

* Remarks, p. 25.

made against them; for upon no better foundation than this have they been supposed the authors of a war, carried on for their advantage only.

It is a great mistake to imagine, that the American country in question between Great Britain and France is claimed as the property of any *individual or public body in America;* or that the possession of it by Great Britain is likely, in any lucrative view, to redound at all to the advantage of any person there. On the other hand, the bulk of the inhabitants of North America are land-owners, whose lands are inferior in value to those of Britain, only by the want of an equal number of people. It is true, the accession of the large territory claimed before the war began (especially if that be secured by the possession of Canada) will tend to the increase of the British subjects, faster than if they had been confined within the mountains; yet the increase within the mountains only would evidently make the comparative population equal to that of Great Britain much sooner than it can be expected, when our people are spread over a country six times as large. I think this is the only point of light in which this account is to be viewed, and is the only one in which any of the colonies are concerned.

No colony, no possessor of lands in any colony, therefore, wishes for conquests, or can be benefited by them, otherwise than as they may be a means of securing peace on their borders. No considerable advantage has resulted to the colonies by the conquests of this war, or can result from confirming them by the peace, but what they must enjoy in common with the rest of the British people; with this evident drawback from their share of these advantages, that they will necessarily lessen, or at least prevent the increase of the value of what makes the principal part of their

private property, their land. A people, spread through the whole tract of country, on this side the Mississippi, and secured by Canada in our hands, would probably for some centuries find employment in agriculture, and thereby free us at home effectually from our fears of American manufactures. Unprejudiced men well know, that all the penal and prohibitory laws that were ever thought on will not be sufficient to prevent manufactures in a country, whose inhabitants surpass the number that can subsist by the husbandry of it. That this will be the case in America soon, if our people remain confined within the mountains, and almost as soon should it be unsafe for them to live beyond, though the country be ceded to us, no man acquainted with political and commercial history can doubt. Manufactures are founded in poverty. It is the multitude of poor without land in a country, and who must work for others at low wages or starve, that enables undertakers to carry on a manufacture, and afford it cheap enough to prevent the importation of the same kind from abroad, and to bear the expense of its own exportation.

But no man, who can have a piece of land of his own, sufficient by his labor to subsist his family in plenty, is poor enough to be a manufacturer, and work for a master. Hence, while there is land enough in America for our people, there can never be manufactures to any amount or value. It is a striking observation of a very able pen, that the natural livelihood of the thin inhabitants of a forest country is hunting; that of a greater number, pasturage; that of a middling population, agriculture; and that of the greatest, manufactures; which last must subsist the bulk of the people in a full country, or they must be subsisted by charity, or perish. The extended population, therefore, that is most advantageous to Great Britain, will be best

effected, because only effectually secured, by the possession of Canada.

So far as the *being* of our present colonies in North America is concerned, I think indeed with the Remarker, that the French there are not "*an enemy to be apprehended;*"* but the expression is too vague to be applicable to the present, or indeed to any other case. Algiers, Tunis, and Tripoli, unequal as they are to this nation in power and numbers of people, are enemies to be still apprehended; and the Highlanders of Scotland have been so for many ages, by the greatest princes of Scotland and Britain. The wild Irish were able to give a great deal of disturbance even to Queen Elizabeth, and cost her more blood and treasure than her war with Spain. Canada, in the hands of France, has always stinted the growth of our colonies, in the course of this war, and indeed before it; has disturbed and vexed even the best and strongest of them; has found means to murder thousands of their people, and unsettle a great part of their country. Much more able will it be to starve the growth of an infant settlement. Canada has also found means to make this nation spend two or three millions a year in America; and a people, how small soever, that in their present situation can do this as often as we have a war with them, is, methinks, "an enemy to be apprehended."

Our North American colonies are to be considered as the *frontier of the British empire* on that side. The frontier of any dominion being attacked, it becomes not merely "the cause" of the people immediately attacked, the inhabitants of that frontier, but properly "the cause" of the whole body. Where the frontier people owe and pay obedience, there they have a right to look for protection. No political proposition is

* Remarks, p. 27.

better established than this. It is therefore invidious to represent the "blood and treasure," spent in this war, as spent in "the cause of the colonies" only; and that they are "absurd and ungrateful," if they think we have done nothing, unless we "make conquests for them," and reduce Canada to gratify their "vain ambition," &c. It will not be a conquest for *them*, nor gratify any vain ambition of theirs. It will be a conquest for the *whole;* and all our people will, in the increase of trade, and the ease of taxes, find the advantage of it.

Should we be obliged, at any time, to make a war for the protection of our commerce, and to secure the exportation of our manufactures, would it be fair to represent such a war, merely as blood and treasure spent in the cause of the weavers of Yorkshire, Norwich, or the West; the cutlers of Sheffield, or the button-makers of Birmingham? I hope it will appear, before I end these sheets, that if ever there was a national war, this is truly such a one; a war in which the interest of the whole nation is directly and fundamentally concerned. Those, who would be thought deeply skilled in human nature, affect to discover self-interested views everywhere, at the bottom of the fairest, the most generous conduct. Suspicions and charges of this kind meet with ready reception and belief in the minds even of the multitude, and therefore less acuteness and address than the Remarker is possessed of would be sufficient to persuade the nation generally, that all the zeal and spirit manifested and exerted by the colonies in this war, was only in "their own cause," to "make conquest for themselves," to engage us to make more for them, to gratify their own "vain ambition."

But, should they now humbly address the mother country, in the terms and the sentiments of the

Remarker; return her their grateful acknowledgments for the blood and treasure she had spent in "their cause"; confess that enough had not been done "for them"; allow that "English forts, raised in proper passes, will, with the wisdom and vigor of her administration," be a sufficient future protection; express their desires, that their people may be confined within the mountains, lest, if they be suffered to spread and extend themselves in the fertile and pleasant country on the other side, they should "increase infinitely from all causes," "live wholly on their own labor" and become independent; beg, therefore, that the French may be suffered to remain in possession of Canada, as their neighbourhood may be useful to prevent our increase, and the removing them may "in its consequences be even dangerous";* I say, should such an address from the colonies make its appearance here (though, according to the Remarker, it would be a most just and reasonable one) would it not, might it not, with more justice be answered; "We understand you, Gentlemen, perfectly well; you have only your interest in view; you want to have the people confined within your present limits, that in a few years the lands you are possessed of may increase tenfold in value. You want to reduce the price of labor, by increasing numbers on the same territory, that you may be able to set up manufactures and vie with your mother country. You would have your people kept in a body, that you may be more able to dispute the commands of the crown, and obtain an independency. You would have the French left in Canada, to exercise your military virtue, and make you a warlike people, that you may have more confidence to embark in schemes of disobedience, and greater ability to support them. You have

* Remarks, pp. 50, 51.

tasted, too, the sweets of TWO OR THREE MILLIONS sterling per annum spent among you by our fleets and forces, and you are unwilling to be without a pretence for kindling up another war, and thereby occasioning a repetition of the same delightful doses. But, Gentlemen, allow us to understand *our* interest a little likewise; we shall remove the French from Canada, that you may live in peace, and we be no more drained by your quarrels. You shall have land enough to cultivate, that you may have neither necessity nor inclination to go into manufactures, and we will manufacture for you, and govern you."

A reader of the Remarks may be apt to say, "If this writer would have us restore Canada, on principles of moderation, how can we, consistent with those principles, retain Guadaloupe, which he represents of so much greater value?" I will endeavour to explain this; because, by doing it, I shall have an opportunity of showing the truth and good sense of the answer to the interested application I have just supposed. The author, then, is only apparently and not really inconsistent with himself. If we can obtain the credit of moderation by restoring Canada, it is well; but we should, however, restore it at *all events;* because it would not only be of no use to us; but "the possession of it (in his opinion) may in its consequences be dangerous."* As how? Why, plainly, (at length it comes out) if the French are not left there to check the growth of our colonies, "they will extend themselves almost without bounds into the inland parts, and increase infinitely from all causes; becoming a numerous, hardy, independent people; possessed of a strong country, communicating little or not at all with England, living wholly on their

* Remarks, pp. 50, 51.

own labor, and in process of time knowing little and inquiring little about the mother country."

In short, according to this writer, our present colonies are large enough and numerous enough; and the French ought to be left in North America to prevent their increase, lest they become not only useless, but dangerous to Britain. I agree with the gentleman, that, with Canada in our possession, our people in America will increase amazingly. I know, that their common rate of increase, where they are not molested by the enemy, is doubling their numbers every twenty-five years, by natural generation only; exclusive of the accession of foreigners.* I think this increase continuing would probably, in a century more, make the number of British subjects on that side the water more numerous than they now are on this; but,

4. *Not necessary that the American Colonies should cease being useful to the Mother Country. Their Preference over the West India Colonies stated.*†

I am far from entertaining, on that account, any fears of their becoming either useless or dangerous to us; and I look on those fears to be merely imaginary, and without any probable foundation. The Remarker is

* The reason of this greater increase in America than in Europe is, that, in old settled countries, all trades, farms, offices, and employments are full; and many people refrain from marriage till they see an opening, in which they can settle themselves, with a reasonable prospect of maintaining a family; but in America, it being easy to obtain land, which, with moderate labor will afford subsistence and something to spare, people marry more readily and earlier in life, whence arises a numerous offspring and the swift population of those countries. It is a common error, that we cannot fill our provinces, or increase the number of them, without draining this nation of its people. The increase alone of our present colonies is sufficient for both those purposes.

† It is observable, that the heads of divisions are somewhat awkwardly inserted. They were not contained in the author's original edition, but were subsequently added by another hand, and have since been retained. — Editor.

reserved in giving his reasons; as, in his opinion, this "is not a fit subject for discussion." I shall give mine, because I conceive it a subject necessary to be discussed; and the rather, as those fears, how groundless and chimerical soever, may, by possessing the multitude, possibly induce the ablest ministry to conform to them against their own judgment; and thereby prevent the assuring to the British name and nation a stability and permanency, that no man acquainted with history durst have hoped for, till our American possessions opened the pleasing prospect.

The Remarker thinks, that our people in America, "finding no check from Canada, would extend themselves almost without bounds into the inland parts, and increase infinitely from all causes." The very reason he assigns for their so extending, and which is indeed the true one, (their being "invited to it by the pleasantness, fertility, and plenty of the country,") may satisfy us, that this extension will continue to proceed as long as there remains any pleasant, fertile country within their reach. And if we even suppose them confined by the waters of the Mississippi westward, and by those of St. Lawrence and the Lakes to the northward, yet still we shall leave them room enough to increase, even in the manner of settling now practised there, till they amount to perhaps a hundred millions of souls. This must take some centuries to fulfil; and in the mean time this nation must necessarily supply them with the manufactures they consume; because the new settlers will be employed in agriculture; and the new settlements will so continually draw off the spare hands from the old, that our present colonies will not, during the period we have mentioned, find themselves in a condition to manufacture, even for their own inhabit-

ants, to any considerable degree, much less for those who are settling behind them.

Thus our trade must, till that country becomes as fully peopled as England, (that is, for centuries to come,) be continually increasing, and with it our naval power; because the ocean is between us and them, and our ships and seamen must increase as that trade increases.

The human body and the political differ in this; that the first is limited by nature to a certain stature, which, when attained, it cannot ordinarily exceed; the other, by better government and more prudent policy, as well as by the change of manners and other circumstances, often takes fresh starts of growth, after being long at a stand; and may add tenfold to the dimensions it had for ages been confined to. The mother, being of full stature, is in a few years equalled by a growing daughter; but in the case of a mother-country and her colonies, it is quite different. The growth of the children tends to increase the growth of the mother, and so the difference and superiority is longer preserved. Were the inhabitants of this island limited to their present number by any thing in nature, or by unchangeable circumstances, the equality of population between the two countries might indeed sooner come to pass; but sure experience, in those parts of the island where manufactures have been introduced, teaches us, that people increase and multiply in proportion as the means and facility of gaining a livelihood increase; and that this island, if they could be employed, is capable of supporting ten times its present number of people.

In proportion, therefore, as the demand increases for the manufactures of Britain, by the increase of people in her colonies, the number of her people at home will increase; and with them, the strength as well as the

wealth of the nation. For satisfaction in this point, let the reader compare in his mind the number and force of our present fleets with our fleet in Queen Elizabeth's time,* before we had colonies. Let him compare the ancient, with the present state of our towns on or near our western coast (Manchester, Liverpool, Kendal, Lancaster, Glasgow, and the countries round them) that trade with any manufactures for our colonies, (not to mention Leeds, Halifax, Sheffield, and Birmingham,) and consider what a difference there is in the numbers of people, buildings, rents, and the value of land and of the produce of land; even if he goes back no farther than is within man's memory. Let him compare those countries with others on the same island, where manufactures have not yet extended themselves; observe the present difference, and reflect how much greater our strength may be, if numbers give strength, when our manufactures shall occupy every part of the island where they can possibly be subsisted.

But, say the objectors, "there is a *certain distance from the sea*, in America, beyond which the expense of carriage will put a stop to the sale and consumption of your manufactures; and this, with the difficulty of making returns for them, will oblige the inhabitants to manufacture for themselves; of course, if you suffer your people to extend their settlements beyond that distance, your people become useless to you;" and this distance is limited by some to two hundred miles, by others to the Appalachian mountains.

Not to insist on a plain truth, that no part of a dominion, from whence a government may on occasion draw supplies and aids both of men and money, (though

* Namely, forty sail, none of more than forty guns.

at too great a distance to be supplied with manufactures from some other part,) is therefore to be deemed useless to the whole; I shall endeavour to show, that these imaginary limits of utility, even in point of commerce, are much too narrow. The inland parts of the continent of Europe are farther from the sea, than the limits of settlement proposed for America. Germany is full of tradesmen and artificers of all kinds, and the governments there are not all of them always favorable to the commerce of Britain; yet it is a well-known fact, that our manufactures find their way even into the heart of Germany. Ask the great manufacturers and merchants of the Leeds, Sheffield, Birmingham, Manchester, and Norwich goods; and they will tell you, that some of them send their riders frequently through France or Spain, and Italy, up to Vienna, and back through the middle and northern parts of Germany, to show samples of their wares, and collect orders, which they receive by almost every mail to a vast amount. Whatever charges arise on the carriage of goods are added to the value, and all paid by the consumer.

If these nations, over whom we can have no government, over whose consumption we can have no influence, but what arises from the cheapness and goodness of our wares, whose trade, manufactures, or commercial connexions are not subject to the control of our laws, as those of our colonies certainly are in some degree; I say, if these nations purchase and consume such quantities of our goods, notwithstanding the remoteness of their situation from the sea; how much less likely is it, that the settlers in America, who must for ages be employed in agriculture chiefly, should make cheaper for themselves the goods our manufacturers at present supply them with; even if we suppose the

carriage five, six, or seven hundred miles from the sea as difficult and expensive, as the like distance into Germany; whereas in the latter, the natural distances are frequently doubled by political obstructions; I mean the intermixed territories and clashing interests of princes.*

But when we consider, that the inland parts of America are penetrated by great navigable rivers; and there are a number of great lakes, communicating with each other, with those rivers, and with the sea, very small portages here and there excepted;† that the sea-coasts (if one may be allowed the expression) of those lakes only amount at least to two thousand seven hundred miles, exclusive of the rivers running into them, many of which are navigable to a great extent for boats and canoes, through vast tracts of country; how little likely is it, that the expense on the carriage of our goods into those countries should prevent the use of them. If the poor Indians in those remote parts are now able to pay for the linen, woollen, and iron wares they are at present furnished with by the French and English traders, though Indians have nothing but what they get by hunting, and the goods are loaded with all

* Sir C. Whitworth has the following assertion; "Each state in Germany is jealous of its neighbours; and hence, rather than facilitate the export or transmit of its neighbour's products or manufactures, they have all recourse to strangers." — *State of Trade*, p. xxiv. — B. V.

† From New York into Lake Ontario, the land-carriage of the several portages altogether amounts to but about twenty-seven miles. From Lake Ontario into Lake Erie, the land-carriage at Niagara is but about twelve miles. All the lakes above Niagara communicate by navigable straits, so that no land-carriage is necessary, to go out of one into another. From Presqu' Isle on Lake Erie, there are but fifteen miles land-carriage, and that a good wagon-road, to Beef River, a branch of the Ohio; which brings you into a navigation of many thousand miles inland, if you take together the Ohio, the Mississippi, and all the great rivers and branches that run into them.

the impositions fraud and knavery can contrive to enhance their value, will not industrious English farmers, hereafter settled in those countries, be much better able to pay for what shall be brought them in the way of fair commerce?

If it is asked, What can such farmers raise, wherewith to pay for the manufactures they may want from us? I answer, that the inland parts of America in question are well known to be fitted for the production of hemp, flax, potash, and, above all, silk; the southern parts may produce olive-oil, raisins, currants, indigo, and cochineal; not to mention horses and black cattle, which may easily be driven to the maritime markets, and at the same time assist in conveying other commodities. That the commodities first mentioned may easily, by water and land carriage, be brought to the sea-ports from interior America, will not seem incredible, when we reflect, that *hemp* formerly came from the Ukraine, the most southern parts of Russia, to Wologda, and down the Dwina to Archangel; and thence, by a perilous navigation, round the North Cape to England and other parts of Europe. It now comes from the same country up the Dnieper, and down the Duna, with much land-carriage. Great part of the Russia *iron*, no high-priced commodity, is brought three hundred miles by land and water from the heart of Siberia. *Furs* (the produce too of America) are brought to Amsterdam from all parts of Siberia, even the most remote, Kamtschatka. The same country furnishes me with another instance of extended inland commerce.

It is found worth while to keep up a mercantile communication between Pekin in China, and Petersburg. And none of these instances of inland commerce exceed those of the courses by which, at several periods, *the whole of the trade of the East* was carried on. Before

the prosperity of the Mameluke dominion in Egypt fixed the staple for the riches of the East at Cairo and Alexandria, (whither they were brought from the Red Sea,) great part of those commodities were carried to the cities of Cashgar and Balk. This gave birth to those towns, that still subsist upon the remains of their ancient opulence, amidst a people and country equally wild. From thence those goods were carried down the Amû (the ancient Oxus) to the Caspian Sea, and up the Wolga to Astrachan; from whence they were carried over to and down the Don, to the mouth of that river; and thence again the Venetians directly, and the Genoese and Venetians indirectly, by way of Kaffa and Trebisond, dispersed them through the Mediterranean and some other parts of Europe.

Another part of those goods was carried over land from the Wolga to the rivers Duna and Neva; from both they were carried to the city of Wisbuy in the Baltic (so eminent for its sea-laws); and from the city of Ladoga on the Neva, we are told, they were even carried by the Dwina to Archangel; and from thence round the North Cape. If iron and hemp will bear the charge of carriage from this inland country, other metals will, as well as iron; and certainly silk, since three pence per pound is not above one per cent on the value, and amounts to twenty-eight pounds per ton. If the *growths* of a country find their way out of it, the *manufactures* of the country where they go will infallibly find their way into it.

They who understand the economy and principles of manufactures know, that it is impossible to establish them in places not populous; and, even in those that are populous, hardly possible to establish them to the prejudice of the places *already in possession of them.* Several attempts have been made in France and Spain,

countenanced by government, to draw from us, and establish in those countries, our hardware and woollen manufactures; but without success.

The reasons are various. A manufacture is part of a great system of commerce, which takes in conveniences of various kinds; methods of providing materials of all sorts, machines for expediting and facilitating labor, all the channels of correspondence for vending the wares, the credit and confidence necessary to found and support this correspondence, the mutual aid of different artisans, and a thousand other particulars, which time and long experience have gradually established. A part of such a system cannot support itself without the whole; and before the whole can be obtained the part perishes. Manufactures, where they are in perfection, are carried on by a multiplicity of hands, each of which is expert only in his own part; no one of them a master of the whole; and, if by any means spirited away to a foreign country, he is lost without his fellows. Then it is a matter of the extremest difficulty to persuade a complete set of workmen, skilled in all parts of a manufactory, to leave their country together, and settle in a foreign land. Some of the idle and drunken may be enticed away; but these only disappoint their employers, and serve to discourage the undertaking. If by royal munificence, and an expense that the profits of the trade alone would not bear, a complete set of good and skilful hands are collected and carried over, they find so much of the system imperfect, so many things wanting to carry on the trade to advantage, so many difficulties to overcome, and the knot of hands so easily broken by death, dissatisfaction, and desertion, that they and their employers are discouraged together, and the project vanishes into smoke.

Hence it happens, that established manufactures are

hardly ever lost, but by foreign conquest, or by some eminent interior fault in manners or government; a bad police oppressing and discouraging the workmen, or religious persecutions driving the sober and industrious out of the country. There is, in short, scarce a single instance in history of the contrary, where manufactures have once taken firm root. They sometimes start up in a new place; but are generally supported, like exotic plants, at more expense than they are worth for any thing but curiosity; until these new seats become the refuge of the manufacturers driven from the old ones.

The conquest of Constantinople, and final reduction of the Greek empire, dispersed many curious manufacturers into different parts of Christendom. The former conquests of its provinces, had before done the same. The loss of liberty in Verona, Milan, Florence, Pisa, Pistoia, and other great cities of Italy, drove the manufacturers of woollen cloths into Spain and Flanders. The latter first lost their trade and manufactures to Antwerp and the cities of Brabant; from whence, by persecution for religion, they were sent into Holland and England; while the civil wars, during the minority of Charles the First of Spain, which ended in the loss of the liberty of their great towns, ended too in the loss of the manufactures of Toledo, Segovia, Salamanca, Medina del Campo, &c. The revocation of the *Edict of Nantz* communicated to all the Protestant part of Europe, the paper, silk, and other valuable manufactures of France; almost peculiar at that time to that country, and till then in vain attempted elsewhere.

To be convinced, that it is not soil and climate, nor even freedom from taxes, that determines the residence of manufacturers, we need only turn our eyes on Holland; where a multitude of manufactures are still carried on, perhaps more than on the same extent of

territory anywhere in Europe, and sold on terms upon which they cannot be had in any other part of the world. And this too is true of those *growths*, which, by their nature and the labor required to raise them, come the nearest to manufactures.

As to the commonplace objection to the North American settlements, that they are *in the same climate, and their produce the same, as that of England;* in the first place, it is not true; it is particularly not so of the countries now likely to be added to our settlements; and of our present colonies, the products, lumber, tobacco, rice, and indigo, great articles of commerce, do not interfere with the products of England; in the next place, a man must know very little of the trade of the world, who does not know, that the greater part of it is carried on between countries whose climates differ very little. Even the trade between the different parts of these British Islands is greatly superior to that between England and all the West India Islands put together.

If I have been successful in proving, that a considerable commerce may and will subsist between us and our future most inland settlements in North America, notwithstanding their distance, I have more than half proved, that no *other inconvenience will arise* from their distance. Many men in such a country must "know," must "think," and must "care" about the country they chiefly trade with. The juridical and other connexions of government are yet a faster hold than even commercial ties, and spread, directly and indirectly, far and wide. Business to be solicited and causes depending create a great intercourse, even where private property is not divided in different countries; yet this division will always subsist, where different countries are ruled by the same government. Where a man has landed property, both in the mother country and the

province, he will almost always live in the mother country. This, though there were no trade, is singly a sufficient gain. It is said, that Ireland pays near a million sterling annually to its absentees in England. The balance of trade from Spain, or even Portugal, is scarcely equal to this.

Let it not be said we have *no absentees* from North America. There are many, to the writer's knowledge; and, if there are at present but few of them, that distinguish themselves here by great expense, it is owing to the mediocrity of fortune among the inhabitants of the northern colonies, and a more equal division of landed property, than in the West India Islands, so that there are as yet but few large estates. But if those, who have such estates, reside upon and take care of them themselves, are they worse subjects than they would be if they lived idly in England?

Great merit is assumed for the gentlemen of the West Indies,* on the score of their residing and spending their money in England. I would not depreciate that merit; it is considerable; for they might, if they pleased, spend their money in France; but the difference between their spending it here and at home is not so great. What do they spend it in when they are here, but the produce and manufactures of this country? and would they not do the same if they were at home? Is it of any great importance to the English farmer, whether the West India gentleman comes to London and eats his beef, pork, and tongues, fresh; or has them brought to him in the West Indies, salted? Whether he eats his English cheese and butter, or drinks his English ale, at London or in Barbadoes? Is the clothier's, or the mercer's, or the cutler's, or the

* Remarks, pp. 47, 48, &c.

toyman's profit less, for their goods being worn and consumed by the same persons residing on the other side of the ocean? Would not the profits of the merchant and mariner be rather greater, and some addition made to our navigation, ships, and seamen? If the North American gentleman stays in his own country, and lives there in that degree of luxury and expense, with regard to the use of British manufactures, that his fortune enables him to do, may not his example, from the imitation of superiors so natural to mankind, spread the use of those manufactures among hundreds of families around him, and occasion a much greater demand for them, than it would do if he should remove and live in London?

However this may be, if, in our views of immediate advantage, it seems preferable, that the gentlemen of large fortunes in North America should reside much in England, it is what may surely be expected, as fast as such fortunes are acquired there. Their having "colleges of their own for the education of their youth," will not prevent it. A little knowledge and learning acquired increases the appetite for more, and will make the conversation of the learned on this side the water more strongly desired. Ireland has its university likewise; yet this does not prevent the immense pecuniary benefit we receive from that kingdom. And there will always be, in the conveniencies of life, the politeness, the pleasures, the magnificence of the reigning country, many other attractions besides those of learning, to draw men of substance there, where they can, apparently at least, have the best bargain of happiness for their money.

Our trade to the West India Islands is undoubtedly a valuable one; but, whatever is the amount of it, it has

long been at a stand. Limited as our sugar planters are by the scantiness of territory, they cannot increase much beyond their present number; and this is an evil, as I shall show hereafter, that will be little helped by our keeping Guadaloupe.

The trade to our northern colonies is not only greater, but yearly increasing with the increase of the people; and even in a greater proportion, as the people increase in wealth and the ability of spending, as well as in numbers.* I have already said, that our

* The writer has obtained accounts of the exports to North America and the West India Islands, by which it appears, that there has been some increase of trade to those Islands, as well as to North America, though in a much less degree. The following extract from these accounts will show the reader, at one view, the amount of the exports to each, in two different terms of five years; the terms taken at ten years' distance from each other, to show the increase, viz.

First term, from 1744 *to* 1748, *inclusive.*

	Northern Colonies.	West India Islands.
1744	£ 640,114 12 4	£ 796,112 17 9
1745	534,316 2 5	503,669 19 9
1746	754,945 4 3	472,994 16 7
1747	726,648 5 5	856,463 18 6
1748	830,243 16 9	734,095 15 3
Total,	3,486,261 1 2	3,353,337 10 10
Difference,		122,930 10 4
		£ 3,486,268 1 2

Second term, from 1754 *to* 1758, *inclusive.*

	Northern Colonies.	West India Islands.
1754	£ 1,246,615 1 11	£ 685,675 3 0
1755	1,177,848 6 10	694,667 13 3
1756	1,428,720 18 10	733,458 16 3
1757	1,727,924 2 10	776,488 0 6
1758	1,832,948 13 10	877,571 19 11
Total,	7,414,057 4 3	3,767,841 12 11
Difference,		3,646,215 11 4
		£ 7,414,057 4 3

people in the northern colonies double in about twenty-five years, exclusive of the accession of strangers. That I speak within bounds, I appeal to the authentic accounts frequently required by the Board of Trade, and transmitted to that Board by the respective governors; of which accounts I shall select one as a sample, being that from the colony of Rhode Island;* a

In the first term, total of West India Islands,	£ 3,363,337	10	10
In the second term ditto	3,767,841	12	11
Increase, only	£ 404,504	2	1
In the first term, total for the northern colonies,	3,486,268	1	2
In the second term, ditto	7,414,057	4	3
Increase,	£ 3,927,789	3	1

By these accounts it appears, that the exports to the West India Islands, and to the northern colonies, were in the first term nearly equal (the difference being only £ 122,936 10*s.* 4*d.*), and in the second term, the exports to those islands had only increased £ 404,504 2*s.* 1*d.* Whereas the increase to the northern colonies is £ 3,927,789 3*s.* 1*d.*, almost *four millions.*

Some part of this increased demand for English goods may be ascribed to the armies and fleets we have had both in North America and the West Indies; and so much for what is consumed by the soldiery; their clothing, stores, ammunition, &c. sent from hence on account of the government, being (as is supposed) not included in these accounts of merchandise exported; but, as the war has occasioned a great plenty of money in America, many of the inhabitants have increased their expense.

N. B. These accounts do not include any exports from Scotland to America, which are doubtless proportionably considerable; nor the exports from Ireland.

* *Copy of the Report of Governor Hopkins to the Board of Trade, on the Numbers of People in Rhode Island.*

In obedience to your Lordship's commands, I have caused the within account to be taken by officers under oath. By it there appears to be in this colony at this time 35,939 white persons, and 4,697 blacks, chiefly negroes.

In the year 1730, by order of the then Lords Commissioners of Trade and Plantations, an account was taken of the number of people in this colony, and then there appeared to be 15,302 white persons, and 2,633 blacks.

colony that of all the others receives the least addition from strangers. For the increase of our trade to those colonies, I refer to the accounts frequently laid before Parliament, by the officers of the customs, and to the custom-house books; from which I have also selected one account, that of the trade from England, exclusive of Scotland, to Pennsylvania;* a colony most remarkable for the plain frugal manner of living of its inhabitants, and the most suspected of carrying on manufactures, on account of the number of German artisans who are known to have transplanted themselves into that country; though even these, in truth, when they come there, generally apply themselves to agriculture, as the surest support and most advantageous employment.

By this account it appears, that the exports to that province have, in twenty-eight years, increased nearly in the proportion of seventeen to one; whereas the

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Again in the year 1748, by like order, an account was taken of the number of people in this colony, by which it appears there were at that time 29,755 white persons, and 4,373 blacks.

STEPHEN HOPKINS.

Colony of Rhode Island, December 24th, 1755.

* *An Account of the Value of the Exports from England to Pennsylvania, in one Year, taken at different Periods, viz.*

In 1723 they amounted only to	£ 15,992	19	4
1730 they were . .	48,592	7	5
1737	56,690	6	7
1742	75,295	3	4
1747	82,404	17	7
1752	201,666	19	11
1757	268,426	6	6

N. B. The accounts for 1758 and 1759 were not then completed; but those acquainted with the North American trade know, that the increase in those two years had been in a still greater proportion; the last year being supposed to exceed any former year by a third; and this owing to the increased ability of the people to spend, from the greater quantities of money circulating among them by the war.

people themselves, who by other authentic accounts appear to double their numbers (the strangers who settle there included) in about sixteen years, cannot in the twenty-eight years have increased in a greater proportion than as four to one. The additional demand, then, and consumption of goods from England, of thirteen parts in seventeen, more than the additional number would require, must be owing to this; that the people, having by their industry mended their circumstances, are enabled to indulge themselves in finer clothes, better furniture, and a more general use of all our manufactures than heretofore.

In fact, the occasion for English goods in North America, and the inclination to have and use them, is, and must be for ages to come, much greater than the ability of the people to pay for them; they must therefore, as they now do, deny themselves many things they would otherwise choose to have, or increase their industry to obtain them. And thus, if they should at any time manufacture some coarse article, which, on account of its bulk or some other circumstance, cannot so well be brought to them from Britain; it only enables them the better to pay for finer goods, that otherwise they could not indulge themselves in; so that the exports thither are not diminished by such manufacture, but rather increased. The single article of manufacture in these colonies, mentioned by the Remarker, is *hats* made in New England. It is true, there have been, ever since the first settlement of that country, a few hatters there; drawn thither probably at first by the facility of getting beaver, while the woods were but little cleared, and there was plenty of those animals. The case is greatly altered now. The beaver skins are not now to be had in New England, but from very remote places and at great prices. The trade is

accordingly declining there; so that, far from being able to make hats in any quantity for exportation, they cannot supply their home demand; and it is well known, that some thousand dozens are sent thither yearly from London, Bristol, and Liverpool, and sold cheaper than the inhabitants can make them of equal goodness.

In fact, the colonies are so little suited for establishing of manufacture, that they are continually losing the few branches they accidentally gain. The working braziers, cutlers, and pewterers, as well as hatters, who have happened to go over from time to time and settle in the colonies, gradually drop the working part of their business, and import their respective goods from England, whence they can have them cheaper and better than they can make them. They continue their shops indeed, in the same way of dealing; but become *sellers* of braziery, cutlery, pewter, hats, &c. brought from England, instead of being *makers* of those goods.

5. *The American Colonies not dangerous in their Nature to Great Britain.*

Thus much as to the apprehension of our colonies becoming useless to us. I shall next consider the other supposition, that their growth may render them *dangerous*. Of this, I own, I have not the least conception, when I consider that we have already *fourteen separate governments* on the maritime coast of the continent; and, if we extend our settlements, shall probably have as many more behind them on the inland side. Those we now have are not only under different governors, but have different forms of government, different laws, different interests, and some of them different religious persuasions, and different manners.

Their jealousy of each other is so great, that, how-

ever necessary a union of the colonies has long been, for their common defence and security against their enemies, and how sensible soever each colony has been of that necessity; yet they have never been able to effect such a union among themselves, nor even to agree in requesting the mother country to establish it for them. Nothing but the immediate command of the crown has been able to produce even the imperfect union, but lately seen there, of the forces of some colonies. If they could not agree to unite for their defence against the French and Indians, who were perpetually harassing their settlements, burning their villages, and murdering their people; can it reasonably be supposed there is any danger of their uniting against their own nation, which protects and encourages them, with which they have so many connexions and ties of blood, interest, and affection, and which, it is well known, they all love much more than they love one another?

In short, there are so many causes that must operate to prevent it, that I will venture to say, a union amongst them for such a purpose is not merely improbable, it is impossible. And if the union of the whole is impossible, the attempt of a part must be madness; as those colonies, that did not join the rebellion, would join the mother country in suppressing it. When I say such a union is impossible, I mean, without the most grievous tyranny and oppression. People, who have property in a country which they may lose, and privileges which they may endanger, are generally disposed to be quiet, and even to bear much, rather than hazard all. While the government is mild and just, while important civil and religious rights are secure, such subjects will be dutiful and obedient. *The waves do not rise but when the winds blow.*

What such an administration, as the Duke of Alva's in the Netherlands, might produce, I know not; but this I think I have a right to deem impossible. And yet there were two very manifest differences between that case and ours; and both are in our favor. The first, that Spain had already united the seventeen provinces under one visible government, though the States continued independent; the second, that the inhabitants of those provinces were of a nation, not only different from, but utterly unlike the Spaniards. Had the Netherlands been peopled from Spain, the worst of oppression had probably not provoked them to wish a separation of government. It might, and probably would, have ruined the country; but would never have produced an independent sovereignty. In fact, neither the very worst of governments, the worst of politics in the last century, nor the total abolition of their remaining liberty, in the provinces of Spain itself, in the present, have produced any independency in Spain, that could be supported. The same may be observed of France.

And let it not be said, that the neighbourhood of these to the seat of government has prevented a separation. While our strength at sea continues, the banks of the Ohio, in point of easy and expeditious conveyance of troops, are nearer to London, than the remote parts of France and Spain to their respective capitals; and much nearer than Connaught and Ulster were in the days of Queen Elizabeth. Nobody foretells the dissolution of the Russian monarchy from its extent; yet I will venture to say, the eastern parts of it are already much more inaccessible from Petersburg, than the country on the Mississippi is from London; I mean, more men, in less time, might be conveyed to the latter than the former distance. The rivers Oby, Jenessa,

and Lena do not facilitate the communication half so well by their course, nor are they half so practicable as the American rivers. To this I shall only add the observation of Machiavel, in his "Prince"; that a government seldom long preserves its dominion over those who are foreigners to it; who, on the other hand, fall with great ease, and continue inseparably annexed to the government of their own nation; which he proves by the fate of the English conquests in France. Yet with all these disadvantages, so difficult is it to overturn an established government, that it was not without the assistance of France and England, that the United Provinces supported themselves; which teaches us, that,

6. *The French remaining in Canada, an Encouragement to Disaffections in the British Colonies. If they prove a Check, that Check of the most barbarous Nature.*

If the visionary danger of independence in our colonies is to be feared, nothing is more likely to render it substantial, than the neighbourhood of foreigners at enmity with the sovereign governments, capable of giving either aid,* or an asylum, as the event shall require.

* The *aid* Dr. Franklin alludes to must probably have consisted in early and full supplies of arms, officers, intelligence, and trade of export and of import, through the River St. Lawrence, on risks both public and private; in the encouragement of splendid promises and a great ally; in the passage from Canada to the back settlements being *shut* to the British forces; in the quiet of the great body of Indians; in the support of emissaries and discontented citizens; in loans and subsidies to Congress, in ways profitable to France; in a refuge to be granted them in case of defeat, in vacant lands, as settlers; in the probability of war commencing earlier between England and France, at the Gulf of St. Lawrence (when the shipping taken were rightfully addressed to Frenchmen) than in the present case. All this might have happened, as soon as America's distaste of England had exceeded the fear of the foreign nation; a circumstance frequently seen possible in history, and which the British ministers took care should not be wanting.

This explanation would have been superfluous, had not the opinion

Yet against even these disadvantages, did Spain preserve almost ten provinces, merely through their want of union; which, indeed, could never have taken place among the others, but for causes, some of which are in our case impossible, and others it is impious to suppose possible.

The Romans well understood that policy, which teaches the security arising to the chief government from separate states among the governed; when they restored the liberties of the States of Greece (oppressed but united under Macedon) by an edict, that every State should live under its own laws.* They did not even name a governor. Independence of each other and separate interests (though among a people united by common manners, language, and I may say religion; inferior neither in wisdom, bravery, nor their love of liberty, to the Romans themselves;) were all the security the sovereigns wished for their sovereignty.

It is true, they did not call themselves sovereigns; they set no value on the title; they were contented with possessing the thing. And possess it they did, even without a standing army. What can be a stronger proof of the security of their possession? And yet, by a policy similar to this throughout, was the Roman world subdued and held; a world composed of above a hundred languages and sets of man-

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been very general in England, that, *had not the French been removed from Canada, the revolt of America never would have taken place.* Why, then, were the French *not left* in Canada at the peace of 1763? Or, since they were not left there, why was the American dispute begun? Yet, in one sense, perhaps this opinion is true; for *had* the French been left in Canada, the English ministers would not only have sooner felt, but sooner have seen, the strange fatality of their plans. — B. V.

* Omnes Græcorum civitates, quæ in Europâ, quæque in Asiâ essent, libertatem ac suas leges haberent, &c. — Liv. lib. xxxiii. cap. 30.

ners, different from those of their masters.* Yet this dominion was unshakable, till the loss of liberty and corruption of manners in the sovereign State overturned it.

But what is the prudent policy inculcated by the Remarker to obtain this end, security of dominion over our colonies? It is, to leave the French in Canada to "check" their growth; for otherwise, our people may "increase infinitely from all causes."† We have already seen in what manner the French and their Indians check the growth of our colonies. It is a modest word, this *check*, for massacring men, women, and children! The writer would, if he could, hide from himself, as well as from the public, the horror arising from such a proposal, by couching it in general terms. It is no wonder he thought it a "subject not fit for discussion" in his letter; though he recommends it as "a point, that should be the constant object of the minister's attention!"

But, if Canada is restored on this principle, will not Britain be guilty of all the blood to be shed, all the

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* When the Romans had subdued Macedon and Illyricum, they were both formed into republics by a decree of the Senate, and Macedon was thought safe from the danger of a revolution, by being divided into a division common among the Romans, as we learn from the tetrarchs in Scripture. "Omnium primum liberos esse placebat Macedonas atque Illyrios; ut omnibus gentibus appareret, arma populi Romani non liberis servitutem, sed contra servientibus libertatem afferre; ut et in libertate gentes quæ essent, tutam eam sibi perpetuamque sub tutelâ populi Romani esse; et, quæ sub regibus viverent, et in presens tempus mitiores eos justioresque respectu populi Romani habere se, et, si quando bellum cum populo Romano regibus fuisset suis, exitum ejus victoriam Romanis, sibi libertatem, allaturum crederent. . . . . In quatuor regiones describi Macedoniam, ut suum quæque concilium haberet, placuit; et dimidium tributi, quàm quod regibus ferre soliti erant, populo Romano pendere. Similia his et in Illyricum mandata." — Liv. lib. xlv. cap. 18.

† Remarks, pp. 50, 51.

murders to be committed, in order to check this dreaded growth of our own people? Will not this be telling the French in plain terms, that the horrid barbarities they perpetrate with Indians on our colonists are agreeable to us; and that they need not apprehend the resentment of a government, with whose views they so happily concur? Will not the colonies view it in this light? Will they have reason to consider themselves any longer as subjects and children, when they find their cruel enemies hallooed upon them by the country from whence they sprung; the government that owes them protection, as it requires their obedience? Is not this the most likely means of driving them into the arms of the French, who can invite them by an offer of security, their own government chooses not to afford them? I would not be thought to insinuate, that the Remarker wants humanity. I know how little many good-natured persons are affected by the distresses of people at a distance, and whom they do not know. There are even those, who, being present, can sympathize sincerely with the grief of a lady on the sudden death of a favorite bird; and yet can read of the sinking of a city in Syria with very little concern.

If it be, after all, thought necessary to check the growth of our colonies, give me leave to propose a method less cruel. It is a method of which we have an example in Scripture. The murder of husbands, of wives, of brothers, sisters, and children, whose pleasing society has been for some time enjoyed, affects deeply the respective surviving relations; but grief for the death of a child just born is short and easily supported. The method I mean is that, which was dictated by the Egyptian policy, when the "infinite increase" of the children of Israel was apprehended as dangerous to

the State.* Let an act of Parliament then be made, enjoining the colony midwives to stifle in the birth every third or fourth child. By this means you may keep the colonies to their present size. And if they were under the hard alternative of submitting to one or the other of these schemes for checking their growth, I dare answer for them, they would prefer the latter.

But all this debate about the propriety or impropriety of keeping or restoring Canada is possibly too early. We have taken the capital indeed, but the country is yet far from being in our possession; and perhaps never will be; for, if our ministers are persuaded by such counsellors as the Remarker, that the French there are "not the worst of neighbours," and that, if we had conquered Canada, we ought, for our own sakes, to restore it, as a check to the growth of our colonies, I am then afraid we shall never take it. For there are many ways of avoiding the completion of the conquest, that will be less exceptionable and less odious than the giving it up.

7. *Canada easily peopled without draining Great Britain of any of its Inhabitants.*

The objection I have often heard, that, if we had Canada, we could not people it without draining Britain of its inhabitants, is founded on ignorance of the nature of population in new countries. When we first began to colonize in America, it was necessary to send

* "And Pharaoh said unto his people, Behold, the people of the children of Israel are more and mightier than we; come on, let us deal wisely with them, lest they multiply, and it come to pass, that, when there falleth out any war, they join also unto our enemies and fight against us, and so get them up out of the land. And the king spake to the Hebrew midwives," &c. — *Exodus*, ch. i.

people, and to send seed-corn; but it is not now necessary that we should furnish, for a new colony, either the one or the other. The annual increment alone of our present colonies, without diminishing their numbers, or requiring a man from hence, is sufficient in ten years to fill Canada with double the number of English, that it now has of French inhabitants.* Those who are Protestants among the French will probably choose to remain under the English government; many will choose to remove, if they can be allowed to sell their lands, improvements, and effects; the rest in that thin-settled country will in less than half a century, from the crowds of English settling round and among them, be blended and incorporated with our people both in language and manners.

8. *The Merits of Guadaloupe to Great Britain over-valued, yet likely to be paid much dearer for, than Canada.*

In Guadaloupe the case is somewhat different; and though I am far from thinking† we have sugar-land enough,‡ I cannot think Guadaloupe is so desirable an increase of it, as other objects the enemy would probably be infinitely more ready to part with. A country, fully inhabited by any nation, is no proper possession for

* In fact, there have not gone from Britain itself to our colonies, these twenty years past, to settle there, so many as ten families a year; the new settlers are either the offspring of the old, or emigrants from Germany or the north of Ireland.

† Remarks, pp. 30, 34.

‡ It is often said, we have plenty of sugar-land still unemployed in Jamaica; but those who are well acquainted with that island know, that the remaining vacant land in it is generally situated among mountains, rocks, and gullies, that make carriage impracticable, so that no profitable use can be made of it; unless the price of sugars should so greatly increase, as to enable the planter to make very expensive roads, by blowing up rocks, erecting bridges, &c., every two or three hundred yards.

another of different languages, manners, and religion. It is hardly ever tenable at less expense than it is worth. But the isle of Cayenne, and its appendix, Equinoctial France, having but very few inhabitants, and these therefore easily removed, would indeed be an acquisition every way suitable to our situation and desires. This would hold all that migrate from Barbadoes, the Leeward Islands, or Jamaica. It would certainly recall into an English government, in which there would be room for millions, all who have before settled or purchased in Martinico, Guadaloupe, Santa Cruz, or St. John's; except such as know not the value of an English government, and such I am sure are not worth recalling.

But should we keep Guadaloupe, we are told it would enable us to export £300,000 in sugars. Admit it to be true, though perhaps the amazing increase of English consumption might stop most of it here; to whose profit is this to redound? To the profit of the French inhabitants of the island; except a small part, that should fall to the share of the English purchasers, but whose whole purchase-money must first be added to the wealth and circulation of France. I grant, however, much of this £300,000 would be expended in British manufactures. Perhaps, too, a few of the landowners of Guadaloupe might dwell and spend their fortunes in Britain, though probably much fewer than of the inhabitants of North America. I admit the advantage arising to us from these circumstances, as far as they go, in the case of Guadaloupe, as well as in that of our other West India settlements. Yet even this consumption is little better than that of an allied nation would be, who should take our manufactures and supply us with sugar, and put us to no great expense in defending the place of growth.

But, though our own colonies expend among us almost the whole produce of our sugar,* can we, or ought we to promise ourselves this will be the case of Guadaloupe? One £100,000 will supply them with British manufactures; and supposing we can effectually prevent the introduction of those of France, which is morally impossible in a country used to them, the other £200,000 will still be spent in France, in the education of their children and support of themselves; or else be laid up there, where they will always think their home to be.

Besides this consumption of British manufactures, much is said of the benefit we shall have from the situation of Guadaloupe; and we are told of a trade to the Caraccas and Spanish Main. In what respect Guadaloupe is better situated for this trade than Jamaica, or even our other islands, I am at a loss to guess. I believe it to be not so well situated for that of the windward coast, as Tobago and St. Lucia; which in this, as well as other respects, would be more valuable possessions, and which, I doubt not, the peace will secure to us. Nor is it nearly so well situated for that of the rest of the Spanish Main as Jamaica. As to the greater safety of our trade by the possession of Guadaloupe, experience has convinced us, that in reducing a single island, or even more, we stop the privateering business but little. Privateers still subsist, in equal if not greater numbers, and carry the vessels into Martinico, which before it was more convenient to carry into Guadaloupe. Had we all the Caribbees, it is true, they would in those parts be without shelter.

Yet, upon the whole, I suppose it to be a doubtful point, and well worth consideration, whether our obtain-

* Remarks, p. 47.

ing possession of all the Caribbees would be more than a temporary benefit; as it would necessarily soon fill the French part of Hispaniola with French inhabitants, and thereby render it five times more valuable in time of peace, and little less than impregnable in time of war, and would probably end in a few years in the uniting the whole of that great and fertile island under a French government. It is agreed on all hands, that our conquest of St. Christopher's, and driving the French from thence, first furnished Hispaniola with skilful and substantial planters, and was consequently the first occasion of its present opulence. On the other hand, I will hazard an opinion, that, valuable as the French possessions in the West Indies are, and undeniable as the advantages they derive from them, there is somewhat to be weighed in the opposite scale. They cannot at present make war with England, without exposing those advantages, while divided among the numerous islands they now have, much more than they would, were they possessed of St. Domingo only; their own share of which would, if well cultivated, grow more sugar than is now grown in all their West India Islands.

I have before said, I do not deny the utility of the conquest, or even of our future possession of Guadaloupe, if not bought too dear. The trade of the West Indies is one of our most valuable trades. Our possessions there deserve our greatest care and attention. So do those of North America. I shall not enter into the invidious task of comparing their due estimation. It would be a very long and a very disagreeable one, to run through every thing material on this head. It is enough to our present point, if I have shown, that the value of North America is capable of an immense increase, by an acquisition and measures, that must neces-

sarily have an effect the direct contrary of what we have been industriously taught to fear; and that Guadaloupe is, in point of advantage, but a very small addition to our West India possessions; rendered many ways less valuable to us, than it is to the French, who will probably set more value upon it, than upon a country [Canada] that is much more valuable to us than to them.

There is a great deal more to be said on all the parts of these subjects; but, as it would carry me into a detail, that I fear would tire the patience of my readers, and which I am not without apprehensions I have done already, I shall reserve what remains till I dare venture again on the indulgence of the public.*

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* Dr. Franklin has often been heard to say, that in writing this pamphlet he received considerable assistance from a learned friend, who was not willing to be named. — B. V.

It is stated, on the authority of William T. Franklin, that the friend here alluded to was Richard Jackson. — Editor.

A

NARRATIVE

OF THE LATE MASSACRES,

IN LANCASTER COUNTY,

OF A

NUMBER OF INDIANS, FRIENDS OF THIS PROVINCE,

BY PERSONS UNKNOWN.

WITH SOME OBSERVATIONS ON THE SAME.

FIRST PRINTED AT PHILADELPHIA, IN THE YEAR 1764.

THESE Indians were the remains of a tribe of the Six Nations, settled at Conestogo, and thence called Conestogo Indians. On the first arrival of the English in Pennsylvania, messengers from this tribe came to welcome them, with presents of venison, corn, and skins; and the whole tribe entered into a treaty of friendship with the first proprietor, William Penn, which was to last "as long as the sun should shine, or the waters run in the rivers."

This treaty has been since frequently renewed, and the chain brightened, as they express it, from time to time. It has never been violated, on their part or ours, till now. As their lands by degrees were mostly purchased, and the settlements of the white people began to surround them, the proprietor assigned them lands on the manor of Conestogo, which they might not part with; there they have lived many years in friendship

with their white neighbours, who loved them for their peaceable inoffensive behaviour.

It has always been observed, that Indians settled in the neighbourhood of white people do not increase, but diminish continually. This tribe accordingly went on diminishing, till there remained in their town on the manor but twenty persons, viz. seven men, five women, and eight children, boys and girls.

Of these, Shehaes was a very old man, having assisted at the second treaty held with them, by Mr. Penn, in 1701, and ever since continued a faithful and affectionate friend to the English. He is said to have been an exceeding good man, considering his education, being naturally of a most kind, benevolent temper.

Peggy was Shehaes's daughter; she worked for her aged father, continuing to live with him, though married, and attended him with filial duty and tenderness.

John was another good old man; his son Harry helped to support him.

George and Will Soc were two brothers, both young men.

John Smith, a valuable young man of the Cayuga nation, who became acquainted with Peggy, Shehaes's daughter, some few years since, married, and settled in that family. They had one child, about three years old.

Betty, a harmless old woman; and her son Peter, a likely young lad.

Sally, whose Indian name was Wyanjoy, a woman much esteemed by all that knew her, for her prudent and good behaviour in some very trying situations of life. She was a truly good and an amiable woman, had no children of her own; but, a distant relation dying, she had taken a child of that relation's, to bring up as her own, and performed towards it all the duties of an affectionate parent.

The reader will observe, that many of their names are English. It is common with the Indians, that have an affection for the English, to give themselves and their children the names of such English persons as they particularly esteem.

This little society continued the custom they had begun, when more numerous, of addressing every new governor, and every descendant of the first proprietor, welcoming him to the province, assuring him of their fidelity, and praying a continuance of that favor and protection they had hitherto experienced. They had accordingly sent up an address of this kind to our present governor, on his arrival; but the same was scarce delivered, when the unfortunate catastrophe happened, which we are about to relate.

On Wednesday, the 14th of December, 1763, fifty-seven men, from some of our frontier townships, who had projected the destruction of this little commonwealth, came, all well mounted, and armed with firelocks, hangers, and hatchets, having travelled through the country in the night, to Conestogo manor. There they surrounded the small village of Indian huts, and just at break of day broke into them all at once. Only three men, two women, and a young boy, were found at home, the rest being out among the neighbouring white people, some to sell the baskets, brooms, and bowls they manufactured, and others on other occasions. These poor defenceless creatures were immediately fired upon, stabbed, and hatcheted to death! The good Shehaes, among the rest, cut to pieces in his bed. All of them were scalped and otherwise horribly mangled. Then their huts were set on fire, and most of them burnt down. When the troop, pleased with their own conduct and bravery, but enraged that any of

the poor Indians had escaped the massacre, rode off, and in small parties, by different roads, went home.

The universal concern of the neighbouring white people, on hearing of this event, and the lamentations of the younger Indians, when they returned and saw the desolation, and the butchered, half-burnt bodies of their murdered parents and other relations, cannot well be expressed.

The magistrates of Lancaster sent out to collect the remaining Indians, brought them into the town for their better security against any farther attempt; and, it is said, condoled with them on the misfortune that had happened, took them by the hand, comforted, and promised them protection. They were all put into the workhouse, a strong building, as the place of greatest safety.

When the shocking news arrived in town, a proclamation was issued by the governor, in the following terms, viz.

"WHEREAS I have received information, that on Wednesday, the fourteenth day of this month, a number of people, armed and mounted on horseback, unlawfully assembled together, and went to the Indian town in the Conestogo manor, in Lancaster county, and without the least reason or provocation, in cool blood, barbarously killed six of the Indians settled there, and burnt and destroyed all their houses and effects; and whereas so cruel and inhuman an act, committed in the heart of this province on the said Indians, who have lived peaceably and inoffensively among us during all our late troubles, and for many years before, and were justly considered as under the protection of this government and its laws, calls loudly for the vigorous exertion of the civil authority, to detect the offenders, and

bring them to condign punishment; I have, therefore, by and with the advice and consent of the council, thought fit to issue this proclamation, and do hereby strictly charge and enjoin all judges, justices, sheriffs, constables, officers, civil and military, and all other his Majesty's liege subjects within this province, to make diligent search and inquiry after the authors and perpetrators of the said crime, their abettors and accomplices, and to use all possible means to apprehend and secure them in some of the public gaols of this province, that they may be brought to their trials, and be proceeded against according to law.

"And whereas a number of other Indians, who lately lived on or near the frontiers of this province, being willing and desirous to preserve and continue the ancient friendship, which heretofore subsisted between them and the good people of this province, have, at their own earnest request, been removed from their habitations, and brought into the county of Philadelphia, and seated for the present, for their better security, on the Province Island, and in other places in the neighbourhood of the city of Philadelphia, where provision is made for them at the public expense; I do, therefore, hereby strictly forbid all persons whatsoever, to molest or injure any of the said Indians, as they will answer the contrary at their peril.

"Given under my hand, and the great seal of the said province, at Philadelphia, the twenty-second day of December, *anno Domini* one thousand seven hundred and sixty-three, and in the fourth year of his Majesty's reign.

"JOHN PENN.

"By his Honor's command,

"JOSEPH SHIPPEN, JR., *Secretary.*

"God save the King."

Notwithstanding this proclamation, those cruel men again assembled themselves, and, hearing that the remaining fourteen Indians were in the workhouse at Lancaster, they suddenly appeared in that town, on the 27th of December. Fifty of them, armed as before, dismounting, went directly to the workhouse, and by violence broke open the door, and entered with the utmost fury in their countenances. When the poor wretches saw they had no protection nigh, nor could possibly escape, and being without the least weapon for defence, they divided into their little families, the children clinging to the parents; they fell on their knees, protested their innocence, declared their love to the English, and that, in their whole lives they had never done them injury; and in this posture they all received the hatchet! Men, women, and little children were every one inhumanly murdered in cold blood!

The barbarous men who committed the atrocious fact, in defiance of government, of all laws human and divine, and to the eternal disgrace of their country and color, then mounted their horses, huzzaed in triumph, as if they had gained a victory, and rode off *unmolested!*

The bodies of the murdered were then brought out and exposed in the street, till a hole could be made in the earth to receive and cover them.

But the wickedness cannot be covered; the guilt will lie on the whole land, till justice is done on the murderers. The blood of the innocent will cry to Heaven for vengeance.

It is said, that, Shehaes being before told, that it was to be feared some English might come from the frontier into the country, and murder him and his people, he replied, "It is impossible; there are Indians, indeed, in the woods, who would kill me and mine, if they

could get at us, for my friendship to the English; but the English will wrap me in their matchcoat, and secure me from all danger." How unfortunately was he mistaken!

Another proclamation has been issued, offering a great reward for apprehending the murderers, in the following terms, viz.

"WHEREAS on the twenty-second day of December last, I issued a proclamation for the apprehending and bringing to justice a number of persons, who, in violation of the public faith, and in defiance of all law, had inhumanly killed six of the Indians, who had lived in Conestogo manor, for the course of many years, peaceably and inoffensively, under the protection of this government, on lands assigned to them for their habitation; notwithstanding which, I have received information, that on the twenty-seventh of the same month, a large party of armed men again assembled and met together in a riotous and tumultuous manner, in the county of Lancaster, and proceeded to the town of Lancaster, where they violently broke open the workhouse, and butchered and put to death fourteen of the said Conestogo Indians, men, women, and children, who had been taken under the immediate care and protection of the magistrates of the said county, and lodged for their better security in the said workhouse, till they should be more effectually provided for by order of the government; and whereas common justice loudly demands, and the laws of the land (upon the preservation of which not only the liberty and security of every individual, but the being of the government itself depends,) require, that the above offenders should be brought to condign punishment; I have, therefore, by and with the advice of the council, published this proclamation, and

do hereby strictly charge and command all judges, justices, sheriffs, constables, officers civil and military, and all other his Majesty's faithful and liege subjects within this province, to make diligent search and inquiry after the authors and perpetrators of the said last-mentioned offence, their abettors and accomplices, and that they use all possible means to apprehend and secure them in some of the public gaols of this province, to be dealt with according to law.

"And I do hereby further promise and engage, that any person or persons, who shall apprehend and secure, or cause to be apprehended and secured, any three of the ringleaders of the said party, and prosecute them to conviction, shall have and receive for each the public reward of two hundred pounds; and any accomplice, not concerned in the immediate shedding the blood of the said Indians, who shall make discovery of any or either of the said ringleaders, and apprehend and prosecute them to conviction, shall, over and above the said reward, have all the weight and influence of the government, for obtaining his Majesty's pardon for his offence.

"Given under my hand, and the great seal of the said province, at Philadelphia, the second day of January, in the fourth year of his Majesty's reign, and in the year of our Lord one thousand seven hundred and sixty-four.

"JOHN PENN.

"By his Honor's command,

"JOSEPH SHIPPEN, JR., *Secretary.*

"God save the King."

These proclamations have as yet produced no discovery; the murderers having given out such threatenings, against those that disapprove their proceedings,

that the whole country seems to be in terror, and no one dares speak what he knows; even the letters from thence are unsigned, in which any dislike is expressed of the rioters.

There are some, (I am ashamed to hear it,) who would extenuate the enormous wickedness of these actions, by saying, "The Inhabitants of the frontiers are exasperated with the murder of their relations, by the enemy Indians, in the present war." It is possible; but, though this might justify their going out into the woods, to seek for those enemies, and avenge upon them those murders, it can never justify their turning into the heart of the country, to murder their friends.

If an Indian injures me, does it follow, that I may revenge that injury on all Indians? It is well known, that Indians are of different tribes, nations, and languages, as well as the white people. In Europe, if the French, who are white people, should injure the Dutch, are they to revenge it on the English, because they too are white people? The only crime of these poor wretches seems to have been, that they had a reddish-brown skin and black hair; and some people of that sort, it seems, had murdered some of our relations. If it be right to kill men for such a reason, then, should any man, with a freckled face and red hair, kill a wife or child of mine, it would be right for me to revenge it, by killing all the freckled, red-haired men, women, and children, I could afterwards anywhere meet with.

But it seems these people think they have a better justification; nothing less than the Word of God. With the Scriptures in their hands and mouths, they can set at nought that express command, *Thou shalt do no murder;* and justify their wickedness by the command given Joshua to destroy the heathen. Horrid perversion of Scripture and of religion! To father the

worst of crimes on the God of peace and love! Even the Jews, to whom that particular commission was directed, spared the Gibeonites, on account of their faith once given. The faith of this government has been frequently given to those Indians; but that did not avail them with people who despise government.

We pretend to be Christians, and, from the superior light we enjoy, ought to exceed heathens, Turks, Saracens, Moors, Negroes, and Indians, in the knowledge and practice of what is right. I will endeavour to show, by a few examples from books and history, the sense those people have had of such actions.

Homer wrote his poem, called the *Odyssey*, some hundred years before the birth of Christ. He frequently speaks of what he calls not only the duties, but the sacred rites of hospitality, exercised towards strangers, while in our house or territory, as including, besides all the common circumstances of entertainment, full safety and protection of person, from all danger of life, from all injuries, and even insults. The rites of hospitality were called *sacred*, because the stranger, the poor, and the weak, when they applied for protection and relief, were, from the religion of those times, supposed to be sent by the Deity to try the goodness of men, and that he would avenge the injuries they might receive, where they ought to have been protected. These sentiments, therefore, influenced the manners of all ranks of people, even the meanest; for we find, that, when Ulysses came, as a poor stranger, to the hut of Eumæus, the swineherd, and his great dogs ran out to tear the ragged man, Eumæus drave them away with stones; and

> "'Unhappy stranger!' (thus the faithful swain
> Began, with accent gracious and humane,)
> 'What sorrow had been mine, if at *my* gate
> Thy reverend age had met a shameful fate!

But enter this my homely roof, and see
Our woods not void of hospitality.'
He said, and seconding the kind request,
With friendly step precedes the unknown guest,
A shaggy goat's soft hide beneath him spread,
And with fresh rushes heaped an ample bed.
Joy touched the hero's tender soul, to find
So just reception from a heart so kind;
And 'O, ye gods, with all your blessings grace'
(He thus broke forth) 'this friend of human race!'
The swain replied; 'It never was our guise
To slight the poor, or aught humane despise.
For Jove unfolds the hospitable door,
'T is Jove that sends the stranger and the poor.'"

These heathen people thought, that after a breach of the rites of hospitality, a curse from Heaven would attend them in every thing they did, and even their honest industry in their callings would fail of success. Thus when Ulysses tells Eumæus, who doubted the truth of what he related, "If I deceive you in this, I should deserve death, and I consent that you should put me to death;" Eumæus rejects the proposal, as what would be attended with both infamy and misfortune, saying ironically,

"Doubtless, O guest, great laud and praise were mine,
If, after social rites and gifts bestowed,
I stained my hospitable hearth with blood.
How would the gods my righteous toils succeed,
And bless the hand that made a stranger bleed?
No more."

Even an open enemy, in the heat of battle, throwing down his arms, submitting to his foe, and asking life and protection, was supposed to acquire an immediate right to that protection. Thus one describes his being saved, when his party was defeated;

"We turned to flight; the gathering vengeance spread
On all parts round, and heaps on heaps lie dead
The radiant helmet from my brows unlaced,
And lo, on earth my shield and javelin cast,
I meet the monarch with a suppliant's face,
Approach his chariot, and his knees embrace.

He heard, he saved, he placed me at his side ;
My state he pitied, and my tears he dried ;
Restrained the rage the vengeful foe expressed,
And turned the deadly weapons from my breast.
Pious to guard the hospitable rite,
And fearing Jove, whom mercy's works delight."

The suitors of Penelope are, by the same ancient poet, described as a set of lawless men, who were regardless of the sacred rites of hospitality. And, therefore, when the Queen was informed they were slain, and that by Ulysses, she, not believing that Ulysses was returned, says,

"Ah no! some god the suitors' deaths decreed,
Some god descends, and by his hand they bleed;
Blind, to contemn the stranger's righteous cause,
And violate all hospitable laws!
. . . . . The powers they defied ;
But Heaven is just, and by a god they died."

Thus much for the sentiments of the ancient heathens. As for the Turks, it is recorded in the Life of Mahomet, the founder of their religion, that Khaled, one of his captains, having divided a number of prisoners between himself and those that were with him, he commanded the hands of his own prisoners to be tied behind them, and then, in a most cruel and brutal manner, put them to the sword; but he could not prevail on his men to massacre *their* captives, because in fight they had laid down their arms, submitted, and demanded protection. Mahomet, when the account was brought to him, applauded the men for their humanity; but said to Khaled, with great indignation, "O Khaled, thou butcher, cease to molest me with thy wickedness. If thou possessedst a heap of gold as large as Mount Obod, and shouldst expend it all in God's cause, thy merit would not efface the guilt incurred by the murder of the meanest of those poor captives."

Among the Arabs or Saracens, though it was lawful to put to death a prisoner taken in battle, if he had made himself obnoxious by his former wickedness, yet this could not be done after he had once eaten bread, or drunk water, while in their hands. Hence we read in the history of the wars of the Holy Land, that when the Franks had suffered a great defeat from Saladin, and among the prisoners were the king of Jerusalem, and Arnold, a famous Christian captain, who had been very cruel to the Saracens; these two being brought before the Sultan, he placed the king on his right hand and Arnold on his left; and then presented the king with a cup of water, who immediately drank to Arnold; but when Arnold was about to receive the cup, the Sultan interrupted, saying, "I will not suffer this wicked man to drink, as that, according to the laudable and generous custom of the Arabs, would secure him his life."

That the same laudable and generous custom still prevails among the Mahometans, appears from the account, but last year published, of his travels by Mr. Bell, of Antermony, who accompanied the Czar, Peter the Great, in his journey to Derbent through Daggestan. "The religion of the Daggestans," says he, "is generally Mohammedan, some following the sect of Osman, others that of Haly. Their language for the most part is Turkish, or rather a dialect of the Arabic, though many of them speak also the Persian language. One article I cannot omit concerning their laws of hospitality, which is, if their greatest enemy comes under their roof for protection, the landlord, of what condition soever, is obliged to keep him safe, from all manner of harm or violence, during his abode with him, and even to conduct him safely through his territories to a place of security."

From the Saracens this same custom obtained among the Moors of Africa; was by them brought into Spain, and there long sacredly observed. The Spanish historians record with applause one famous instance of it. While the Moors governed there, and the Spaniards were mixed with them, a Spanish cavalier, in a sudden quarrel, slew a young Moorish gentleman, and fled. His pursuers soon lost sight of him, for he had, unperceived, thrown himself over a garden wall. The owner, a Moor, happening to be in his garden, was addressed by the Spaniard on his knees, who acquainted him with his case, and implored concealment. "Eat this," said the Moor, giving him half a peach; "you now know that you may confide in my protection." He then locked him up in his garden apartment, telling him, that as soon as it was night he would provide for his escape to a place of more safety. The Moor then went into his house, where he had scarce seated himself, when a great crowd, with loud lamentations, came to his gate, bringing the corpse of his son, that had just been killed by a Spaniard. When the first shock of surprise was a little over, he learnt, from the description given, that the fatal deed was done by the person then in his power. He mentioned this to no one; but, as soon as it was dark, retired to his garden apartment, as if to grieve alone, giving orders that none should follow him. There accosting the Spaniard, he said, "Christian, the person you have killed is my son; his body is now in my house. You ought to suffer; but you have eaten with me, and I have given you my faith, which must not be broken. Follow me." He then led the astonished Spaniard to his stables, mounted him on one of his fleetest horses, and said, "Fly far while the night can cover you. You will be safe in the morning. You are indeed guilty of my son's blood; but God is just and

good, and I thank him that I am innocent of yours, and that my faith given is preserved."

The Spaniards caught from the Moors this *punto* of honor, the effects of which remain, in a degree, to this day. So that when there is fear of a war about to break out between England and Spain, an English merchant there, who apprehends the confiscation of his goods, as the goods of an enemy, thinks them safe, if he can get a Spaniard to take charge of them; for the Spaniard secures them as his own, and faithfully redelivers them, or pays the value, whenever the Englishman can safely demand it.

Justice to that nation, though lately our enemies, and hardly yet our cordial friends, obliges me, on this occasion, not to omit mentioning an instance of Spanish honor, which cannot but be still fresh in the memory of many yet living. In 1746, when we were in hot war with Spain, the Elizabeth, of London, Captain William Edwards, coming through the Gulf from Jamaica, richly laden, met with a most violent storm, in which the ship sprung a leak, that obliged them, for the saving of their lives, to run her into the Havana. The captain went on shore, directly waited on the governor, told the occasion of his putting in, and that he surrendered his ship as a prize, and himself and his men as prisoners of war, only requesting good quarter. "No, Sir," replied the Spanish governor; "if we had taken you in fair war at sea, or approaching our coast with hostile intentions, your ship would then have been a prize, and your people prisoners. But when, distressed by a tempest, you come into our ports for the safety of your lives, we, though enemies, being men, are bound as such, by the laws of humanity to afford relief to distressed men, who ask it of us. We cannot, even

against our enemies, take advantage of an act of God. You have leave therefore to unload the ship, if that be necessary, to stop the leak; you may refit here, and traffic so far as shall be necessary to pay the charges; you may then depart, and I will give you a pass, to be in force till you are beyond Bermuda. If after that you are taken, you will then be a prize; but now you are only a stranger, and have a stranger's right to safety and protection." The ship accordingly departed and arrived safe in London.

Will it be permitted me to adduce, on this occasion, an instance of the like honor in a poor unenlightened African Negro. I find it in Captain Seagrave's account of his Voyage of Guinea. He relates, that a New England sloop, trading there in 1752, left their second mate, William Murray, sick on shore, and sailed without him. Murray was at the house of a black, named Cudjoe, with whom he had contracted an acquaintance during their trade. He recovered, and the sloop being gone, he continued with his black friend till some other opportunity should offer of his getting home. In the mean while, a Dutch ship came into the road, and some of the blacks going on board her were treacherously seized, and carried off as slaves. Their relations and friends, transported with sudden rage, ran to the house of Cudjoe to take revenge by killing Murray. Cudjoe stopped them at the door, and demanded what they wanted. "The white men," said they, "have carried away our brothers and sons, and we will kill all white men; give us the white man that you keep in your house, for we will kill him." "Nay," said Cudjoe, "the white men that carried away your brothers are bad men, kill them when you can catch them; but this white man is a good man, and you must not kill him."

"But he is a white man," they cried; "the white men are all bad, and we will kill them all." "Nay," says he, "you must not kill a man, that has done no harm, only for being white. This man is my friend, my house is his fort, and I am his soldier. I must fight for him. You must kill me, before you can kill him. What good man will ever come again under my roof, if I let my floor be stained with a good man's blood!" The Negroes, seeing his resolution, and being convinced by his discourse that they were wrong, went away ashamed. In a few days, Murray ventured abroad again with Cudjoe, when several of them took him by the hand, and told him they were glad they had not killed him; for, as he was a good (meaning an innocent) man, their God would have been angry, and would have spoiled their fishing. "I relate this," says Captain Seagrave, "to show that some among these dark people have a strong sense of justice and honor, and that even the most brutal among them are capable of feeling the force of reason, and of being influenced by a fear of God, (if the knowledge of the true God could be introduced among them,) since even the fear of a false god, when their rage subsided, was not without its good effect."

Now I am about to mention something of Indians, I beg that I may not be understood as framing apologies for *all* Indians. I am far from desiring to lessen the laudable spirit of resentment in my countrymen against those now at war with us, so far as it is justified by their perfidy and inhumanity. I would only observe, that the Six Nations, as a body, have kept faith with the English ever since we knew them, now near a hundred years; and that the governing part of those people have had notions of honor, whatever may be the case with the rum-debauched, trader-corrupted vagabonds and thieves on the Susquehanna and Ohio, at present in arms against

us. As a proof of that honor, I shall only mention one well-known recent fact. When six Catawba deputies, under the care of Colonel Bull, of Charlestown, went by permission into the Mohawks' country, to sue for and treat of peace, for their nation, they soon found the Six Nations highly exasperated, and the peace at that time impracticable. They were therefore in fear of their own persons, and apprehended that they should be killed in their way back to New York; which being made known to the Mohawk chiefs by Colonel Bull, one of them, by order of the council, made this speech to the Catawbas;

"Strangers and Enemies,

"While you are in this country, blow away all fear out of your breasts; change the black streak of paint on your cheek for a red one, and let your faces shine with bear's grease. You are safer here than if you were at home. The Six Nations will not defile their own land with the blood of men that come unarmed to ask for peace. We shall send a guard with you, to see you safe out of our territories. So far you shall have peace, but no farther. Get home to your own country, and there take care of yourselves, for there we intend to come and kill you."

The Catawbas came away unhurt accordingly.

It is also well known, that just before the late war broke out, when our traders first went among the Piankeshaw Indians, a tribe of the Twigtwees, they found the principle of giving protection to strangers in full force; for, the French coming with their Indians to the Piankeshaw town, and demanding that those traders and their goods should be delivered up, the Piankeshaws replied, the English were come there upon their invitation, and they could not do so base a thing. But,

the French insisting on it, the Piankeshaws took arms in defence of their guests, and a number of them, with their old chief, lost their lives in the cause; the French at last prevailing by superior force only.

I will not dissemble that numberless stories have been raised and spread abroad, against not only the poor wretches that are murdered, but also against the hundred and forty Christianized Indians, still threatened to be murdered; all which stories are well known, by those who know the Indians best, to be pure inventions, contrived by bad people, either to excite each other to join in the murder, or, since it was committed, to justify it, and believed only by the weak and credulous. I call thus publicly on the makers and venders of these accusations to produce their evidence. Let them satisfy the public, that even Will Soc, the most obnoxious of all that tribe, was really guilty of those offences against us, which they lay to his charge. But, if he was, ought he not to have been fairly tried? He lived under our laws, and was subject to them; he was in our hands, and might easily have been prosecuted; was it English justice to condemn and execute him unheard? Conscious of his own innocence, he did not endeavour to hide himself when the door of the workhouse, his sanctuary, was breaking open. "I will meet them," says he, "for they are my brothers." These brothers of his shot him down at the door, while the word "brothers" was between his teeth.

But if Will Soc was a bad man, what had poor old Shehaes done? What could he or the other poor old men and women do? What had little boys and girls done? What could children of a year old, babes at the breast, what could they do, that they too must be shot and hatcheted? Horrid to relate! And in their parents' arms! This is done by no civilized nation in

Europe. Do we come to America to learn and practise the manners of barbarians? But this, barbarians as they are, they practise against their enemies only, not against their friends. These poor people have been always our friends. Their fathers received ours, when strangers here, with kindness and hospitality. Behold the return we have made them! When we grew more numerous and powerful, they put themselves under our protection. See, in the mangled corpses of the last remains of the tribe, how effectually we have afforded it to them.

Unhappy people! to have lived in such times, and by such neighbours. We have seen that they would have been safer among the ancient heathens, with whom the rites of hospitality were sacred. They would have been considered as guests of the public, and the religion of the country would have operated in their favor. But our frontier people call themselves Christians! They would have been safer, if they had submitted to the Turks; for ever since Mahomet's reproof to Khaled, even the cruel Turks never kill prisoners in cold blood. These were not even prisoners. But what is the example of Turks to Scripture Christians? They would have been safer, though they had been taken in actual war against the Saracens, if they had once drank water with them. These were not taken in war against us, and have drunk with us, and we with them, for fourscore years. But shall we compare Saracens to Christians?

They would have been safer among the Moors in Spain, though they had been murderers of sons; if faith had once been pledged to them, and a promise of protection given. But these have had the faith of the English given to them many times by the government, and, in reliance on that faith, they lived among us, and gave

us the opportunity of murdering them. However, what was honorable in Moors, may not be a rule to us; for we are Christians! They would have been safer, it seems, among Popish Spaniards, even if enemies, and delivered into their hands by a tempest. These were not enemies; they were born among us, and yet we have killed them all. But shall we imitate idolatrous Papists, we that are enlightened Protestants? They would even have been safer among the Negroes of Africa, where at least one manly soul would have been found, with sense, spirit, and humanity enough, to stand in their defence. But shall white men and Christians act like a Pagan Negro? In short, it appears, that they would have been safe in any part of the known world, except in the neighbourhood of the *Christian white savages* of Peckstang and Donegall!

O, ye unhappy perpetrators of this horrid wickedness! reflect a moment on the mischief ye have done, the disgrace ye have brought on your country, on your religion and your Bible, on your families and children. Think on the destruction of your captivated countryfolks (now among the wild Indians) which probably may follow, in resentment of your barbarity! Think on the wrath of the United Five Nations, hitherto our friends, but now provoked by your murdering one of their tribes, in danger of becoming our bitter enemies. Think of the mild and good government you have so audaciously insulted; the laws of your King, your country, and your God, that you have broken; the infamous death that hangs over your heads; for justice, though slow, will come at last. All good people everywhere detest your actions. You have imbrued your hands in innocent blood; how will you make them clean? The dying shrieks and groans of the murdered will often sound in your ears. Their spectres will sometimes

attend you, and affright even your innocent children. Fly where you will, your consciences will go with you. Talking in your sleep shall betray you, in the delirium of a fever you yourselves shall make your own wickedness known.

One hundred and forty peaceable Indians yet remain in this government. They have, by Christian missionaries, been brought over to a liking, at least, of our religion; some of them lately left their nation, which is now at war with us, because they did not choose to join with them in their depredations; and to show their confidence in us, and to give us an equal confidence in them, they have brought and put into our hands their wives and children. Others have lived long among us in Northampton county, and most of their children have been born there. These are all now trembling for their lives. They have been hurried from place to place for safety, now concealed in corners, then sent out of the province, refused a passage through a neighbouring colony, and returned, not unkindly perhaps, but disgracefully, on our hands. O Pennsylvania! Once renowned for kindness to strangers, shall the clamors of a few mean niggards about the expense of this public hospitality, an expense that will not cost the noisy wretches sixpence a piece, (and what is the expense of the poor maintenance we afford them, compared to the expense they might occasion if in arms against us?) shall so senseless a clamor, I say, force you to turn out of your own doors these unhappy guests, who have offended their own country-folks by their affection for you, who, confiding in your goodness, have put themselves under your protection? Those whom you have disarmed to satisfy groundless suspicions, will you leave them exposed to the armed madmen of your country? Unmanly men! who are not ashamed to come with weap-

ons against the unarmed, to use the sword against women, and the bayonet against young children; and who have already given such bloody proofs of their inhumanity and cruelty.

Let us rouse ourselves, for shame, and redeem the honor of our province from the contempt of its neighbours; let all good men join heartily and unanimously in support of the laws, and in strengthening the hands of government; that justice may be done, the wicked punished, and the innocent protected; otherwise we can, as a people, expect no blessing from Heaven; there will be no security for our persons or properties; anarchy and confusion will prevail over all; and violence without judgment dispose of every thing.

When I mention the baseness of the murderers, in the use they made of arms, I cannot, I ought not, to forget the very different behaviour of brave men and true soldiers, of which this melancholy occasion has afforded us fresh instances. The Royal Highlanders have, in the course of this war, suffered as much as any other corps, and have frequently had their ranks thinned by an Indian enemy; yet they did not for this retain a brutal undistinguishing resentment against *all* Indians, friends as well as foes. But a company of them, happening to be here, when the one hundred and forty poor Indians above mentioned were thought in too much danger to stay longer in the province, cheerfully undertook to protect and escort them to New York, which they executed (as far as that Government would permit the Indians to come) with fidelity and honor; and their captain, Robinson, is justly applauded and honored by all sensible and good people, for the care, tenderness, and humanity, with which he treated those unhappy fugitives, during their march in this severe season.

General Gage, too, has approved of his officer's

conduct, and, as I hear, ordered him to remain with the Indians at Amboy, and continue his protection to them, till another body of the King's forces could be sent to relieve his company, and escort their charge back in safety to Philadelphia, where his Excellency has had the goodness to direct those forces to remain for some time, under the orders of our governor, for the security of the Indians; the troops of this province being at present necessarily posted on the frontier. Such just and generous actions endear the military to the civil power, and impress the minds of all the discerning with a still greater respect for our national government. I shall conclude with observing, that cowards can handle arms, can strike where they are sure to meet with no return, can wound, mangle, and murder; but it belongs to brave men to spare and to protect; for, as the poet says,

"Mercy still sways the brave."

COOL THOUGHTS

ON THE

PRESENT SITUATION

OF OUR

PUBLIC AFFAIRS.

IN A LETTER TO A FRIEND IN THE COUNTRY.

FIRST PRINTED AT PHILADELPHIA, IN THE YEAR 1764.

Dr. Franklin returned from his first mission to England in 1762, having accomplished the object for which he was sent out. It was decided, that the proprietary estates in Pennsylvania should be taxed in due proportion for the defence of the colony. Thus was taken away a source of contention, which had embroiled the assembly and governors for many years. Other difficulties, however, soon after arose, in consequence of the opposition of the governor to the wishes of the assembly. The disputes grew every day more warm, and the discontents became general throughout the province. In this state of things, it was proposed to petition the King to take the government of the colony into his own hands, after making a proper remuneration to the proprietaries; or, in other words, to convert the Proprietary Government into a Royal Government. The following piece was written in defence of this measure. — Editor.

Philadelphia, April 12th, 1764.

Sir,

Your apology was unnecessary. It will be no trouble, but a pleasure, if I can give you the satisfaction you desire. I shall therefore immediately communicate to you my motives for approving the proposal of

endeavouring to obtain a Royal Government, in exchange for this of the Proprietaries; with such answers to the objections you mention, as, in my opinion, fully obviate them.

I do not purpose entering into the merits of the disputes between the proprietaries and the people. I only observe it as a fact known to us all, that such disputes there are, and that they have long subsisted, greatly to the prejudice of the province, clogging and embarrassing all the wheels of government, and exceedingly obstructing the public defence, and the measures wisely concerted by our gracious Sovereign, for the common security of the colonies. I may add it as another fact, that we are all heartily tired of these disputes.

It is very remarkable, that disputes of the same kind have arisen in *all* proprietary governments, and subsisted till their dissolution. All were made unhappy by them, and found no relief but in recurring finally to the immediate government of the crown. Pennsylvania and Maryland are the only two of the kind remaining, and both at this instant agitated by the same contentions between proprietary interest and power, and popular liberty. Through these contentions the good people of that province are rendered equally unhappy with ourselves, and their proprietary, perhaps, more so than ours; for he has no Quakers in his assembly to saddle with the blame of those contentions, nor can he justify himself with the pretence, that turning to the church has made his people his enemies.

Pennsylvania had scarce been settled twenty years, when these disputes began between the first proprietor and the original settlers; they continued, with some intermissions, during his whole life; his widow took them up, and continued them after his death. Her

sons resumed them very early,* and they still subsist. Mischievous and distressing as they have been found to both proprietors and people, it does not appear that there is any prospect of their being extinguished, till either the proprietary purse is unable to support them, or the spirit of the people so broken, that they shall be willing to submit to any thing, rather than continue them. The first is not very likely to happen, as that immense estate goes on increasing.

Considering all circumstances, I am at length inclined to think, that the cause of these miserable contentions is not to be sought for merely in the depravity and selfishness of human minds. For, though it is not unlikely that in these, as well as in other disputes, there are faults on both sides, every glowing coal being apt to inflame its opposite; yet I see no reason to suppose that all proprietary rulers are worse men than other rulers, nor that all people in proprietary governments are worse people than those in other governments. I suspect, therefore, that the cause is radical, interwoven in the constitution, and so become the very nature, of proprietary governments; and will therefore produce its effects, as long as such governments continue. And, as some physicians say, every animal body brings into the world among its original stamina the seeds of that disease that shall finally produce its dissolution; so the political body of a proprietary government, contains those convulsive principles that will at length destroy it.

I may not be philosopher enough to develope those principles, nor would this letter afford me room, if I had abilities, for such a discussion. The fact seems sufficient for our purpose, and the fact is notorious, that such

* See their message to the assembly, in which the right of sitting on their own adjournments is denied.

contentions have been in all proprietary governments, and have brought, or are now bringing, them all to a conclusion. I will only mention one particular common to them all. Proprietaries must have a multitude of private accounts and dealings with almost all the people of their provinces, either for purchase money or quit-rents. Dealings often occasion differences, and differences produce mutual opinions of injustice. If proprietaries do not insist on small rights, they must on the whole lose large sums; and, if they do insist on small rights, they seem to descend, their dignity suffers in the opinion of the people, and with it the respect necessary to keep up the authority of government. The people, who think themselves injured in point of property, are discontented with the government, and grow turbulent; and the proprietaries' using their powers of government to procure for themselves what they think justice in their points of property, renders those powers odious. I suspect this has had no small share in producing the confusions incident to those governments. They appear, however, to be, of all others, the most unhappy.

At present we are in a wretched situation. The government, that ought to keep all in order, is itself weak, and has scarce authority enough to keep the common peace. Mobs assemble and kill (we scarce dare say murder) numbers of innocent people in cold blood, who were under the protection of the government. Proclamations are issued to bring the rioters to justice. Those proclamations are treated with the utmost indignity and contempt. Not a magistrate dares wag a finger towards discovering or apprehending the delinquents, (we must not call them *murderers*.) They assemble again, and with arms in their hands approach the capital. The government truckles, condescends to

cajole them, and drops all prosecution of their crimes; whilst honest citizens, threatened in their lives and fortunes, flee the province, as having no confidence in the public protection. We are daily threatened with more of these tumults; and the government, which in its distress called aloud on the sober inhabitants to come with arms to its assistance, now sees those who afforded that assistance daily libelled, abused, and menaced by its partisans for so doing; whence it has little reason to expect such assistance on another occasion.

In this situation, what is to be done? By what means is that harmony between the two branches of government to be obtained, without which the internal peace of the province cannot be well secured? One project is, to turn all Quakers out of the assembly; or, by obtaining more members for the back counties, to get a majority in who are not Quakers. This, perhaps, is not very difficult to do; and more members for those counties may, on other accounts, be proper; but I much question if it would answer this end, as I see among the members, that those who are not Quakers, and even those from the back counties, are as hearty and unanimous in opposing what they think proprietary injustice, as the Quakers themselves, if not more so. Religion has happily nothing to do with our present differences, though great pains is taken to lug it into the squabble. And even were the Quakers extirpated, I doubt whether the proprietaries, while they pursue the same measures, would be a whit more at their ease.

Another project is, to choose none for assembly men but such as are friends to the proprietaries. The number of members is not so great, but that I believe this scheme may be practicable, if you look for representatives among proprietary officers and dependants. Undoubtedly it would produce great harmony between

governor and assembly; but how would both of them agree with the people? Their principles and conduct must greatly change, if they would be elected a second year. But that might be needless. Six parts in seven agreeing with the governor, could make the House perpetual. This, however, would not probably establish peace in the province. The quarrel the people now have with the proprietaries, would then be with both the proprietaries and assembly. There seems to remain, then, but one remedy for our evils, a remedy approved by experience, and which has been tried with success by other provinces; I mean that of an immediate *Royal Government*, without the intervention of proprietary powers, which, like unnecessary springs and movements in a machine are so apt to produce disorder.

It is not to be expected that the proposal of a change like this, should meet with no objections. Those you have mentioned to me, concerning liberty of conscience and the privileges of Dissenters, are, however, not difficult to answer; as they seem to arise merely from want of information or acquaintance with the state of other colonies, before and after such changes had been made in their government. Carolina and the Jerseys were formerly proprietary governments, but now immediately under the crown; and their cases had many circumstances similar to ours. Of the first we are told;

"There was a natural infirmity in the policy of their charter, which was the source of many of the misfortunes of the colony, without any imputation on the noble families concerned. For the grantees [the proprietors], being eight in number, and not incorporated, and no provision being made to conclude the whole number by the voices of the majority, there could not be

timely measures always agreed on, which were proper or necessary for the good government of the plantation. In the mean time, the inhabitants grew unruly and quarrelled about religion and politics; and while there was a mere anarchy among them, they were exposed to the attacks and insults of their Spanish and Indian neighbours, whom they had imprudently provoked and injured; and, as if they had conspired against the growth of the colony, they repealed their laws for liberty of conscience, though the majority of the people were Dissenters, and had resorted thither under the public faith for a complete indulgence, which they considered as part of their *Magna Charta*. Within these four years an end was put to their sorrows; for about that time, the lords proprietors and the planters, (who had long been heartily tired of each other) were, by the interposition of the Legislature, fairly divorced for ever, and the property of the whole vested in the crown."* And the abovementioned injudicious and unjust act against the privileges of Dissenters, was repealed by the King in council.

Another historian tells us; "Their intestine distractions, and their foreign wars, kept the colony so low, that an act of Parliament, if possible to prevent the last ruinous consequences of these divisions, put the province under the immediate care and inspection of the crown."†

And Governor Johnson, at his first meeting the assembly there, after the change, tells them;

"His Majesty, out of his great goodness and fatherly care of you, and at the earnest request and solicitation

* "New and Accurate Account of Carolina," p. 14; printed at London, 1733.

† "Account of the British Settlements in America," p. 233, concerning Carolina.

of yourselves, has been graciously pleased, at a great expense, to purchase seven eighths of the late lords proprietaries' charter, whereby you are become under his immediate government, a blessing and security we have been long praying for, and solicitous of; the good effects of which we daily experience by the safety we enjoy, as well in our trade, by the protection of his ships of war, as by land, by an independent company maintained purely for our safety and encouragement. The taking off the enumeration of rice is a peculiar favor," &c.*

By these accounts we learn, that the people of that province, far from losing by the change, obtained internal security and external protection, both by sea and land; the Dissenters a restoration and establishment of their privileges, which the proprietary government attempted to deprive them of; and the whole province, favors in point of trade with respect to their grand staple commodity, which from that time they were allowed to carry directly to foreign ports, without being obliged, as before, to enter in England.

With regard to the neighbouring province of New Jersey, we find, in a representation from the Board of Trade to the crown, dated "Whitehall, October 2d, 1701," the following account of it, namely; "That the inhabitants, in a petition to his Majesty the last year, complained of several grievances they lay under, by the neglect or mismanagement of the proprietors of that province, or their agents; unto which they also added, that during the whole time the said proprietors have governed, or pretended to govern, that province, they have never taken care to preserve or defend the same from the Indians or other enemies, by sending or

* Historical Register, No. 63, for 1731.

providing any arms, ammunition, or stores, as they ought to have done; and the said inhabitants thereupon humbly prayed, his Majesty would be pleased to commissionate some fit person, to be governor over them. That it has been represented to us by several letters, memorials, and other papers, as well from the inhabitants as proprietors, that they are at present in confusion and anarchy, and that it is much to be apprehended, lest by the heats of the parties that are amongst them, they should fall into such violences, as may endanger the lives of many persons, and destroy the colony."*

In consequence of these disorders, and petitions from the people, the proprietors were obliged to surrender that government to the crown; Queen Anne then reigning, who, of all our crowned heads since the Revolution, was by far the least favorable to Dissenters; yet her instructions to Lord Cornbury, her first governor, were express and full in their favor, viz.

"*Instruction* 51*st.* You are to permit a liberty of conscience to all persons (except Papists), so that they may be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the government."

"*Instruction* 52*d.* And whereas we have been informed that divers of our good subjects inhabiting those parts, do make a religious scruple of swearing, and by reason of their refusing to take an oath in any court of justice and other places, are or may be liable to many inconveniences, our will and pleasure is, that, in order to their ease in what they conceive to be matter of conscience, so far as may be consistent with

* "Grants and Concessions, and Original Constitutions of New Jersey," printed at Philadelphia by W. Bradford, p. 606.

good order and government, you take care that an act be passed in the general assembly of our said province, to the like effect as that passed here in the seventh and eighth years of his late Majesty's reign, entitled, 'An Act, that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form;' and that the same be transmitted to us, and to our Commissioners for Trade and Plantations, as before directed.

"*Instruction 53d.* And whereas we have been farther informed, that in the settlement of the government of our said province, it may so happen, that the number of inhabitants fitly qualified to serve in our council, in the general assembly, and in other places of trust and profit there, will be but small; it is therefore our will and pleasure, that such of the said people called Quakers, as shall be found capable of any of those places and employments, and accordingly be elected or appointed to serve therein, may, upon their taking and signing the declaration of allegiance to us, in the form used by the same people here in England, together with a solemn declaration for the true discharge of their respective trusts, be admitted by you into any of the said places or employments," &c.*

And the same privileges have been, and still are, fully enjoyed in that province by Dissenters of all kinds; the council, assembly, and magistracy being filled with Episcopalians, Presbyterians, and Quakers, promiscuously, without the least distinction or exclusion of any. We may farther remark, on the above report of the Board of Trade, that the defence of a proprietary province was originally looked upon as the duty of the proprietaries, who received the quit-rents, and

* "Grants and Concessions," &c., p. 633.

had the emoluments of government; whence it was, that in former wars, when arms, ammunition, cannon, and military stores of all kinds, have been sent by the crown to all the colonies under its immediate government, whose situation and circumstances required it, nothing of the kind has been sent to proprietary governments. And to this day, neither Pennsylvania nor Maryland have received any such assistance from the crown; nor did Carolina, till it became a King's government.

Massachusetts Bay, in New England, lost its charter in the latter end of King Charles's reign, when the charters of London and all the corporations in England were seized. At the Revolution the crown gave them a better constitution, which they enjoy to this day. No advantages were taken against the privileges of the people, though then universally Dissenters. The same privileges are enjoyed by the Dissenters in New Hampshire, which has been a royal government ever since 1679, when the freeholders and inhabitants petitioned to be taken under the immediate protection of the crown. Nor is there existing, in any of the American colonies, any *test* imposed by Great Britain, to exclude Dissenters from offices. In some colonies, indeed, where the Episcopalians, and in others the Dissenters, have been predominant, they have made partial laws in favor of their respective sects, and laid some difficulties on the others; but those laws have been generally, on complaint, repealed at home.

It is farther objected, you tell me, that "if we have a royal government, we must have with it a bishop and a spiritual court, and must pay tithes to support an Episcopal clergy." A bishop for America has been long talked of in England, and probably, from the apparent necessity of the thing, will sooner or later be

appointed; because a voyage to England for ordination is extremely inconvenient and expensive to the young clergy educated in America; and the Episcopal churches and clergy in these colonies cannot so conveniently be governed and regulated by a bishop residing in England, as by one residing among those committed to his care. But this event will happen neither sooner nor later for our being or not being under a royal government. And the spiritual court, if the bishop should hold one, can have authority only with his own people, if with them, since it is not likely that any law of this province will ever be made to submit the inhabitants to it, or oblige them to pay tithes; and without such law, tithes can no more be demanded here than they are in any other colony; and there is not a single instance of tithes demanded or paid in any part of America. A maintenance has, indeed, been established in some colonies, for the Episcopal clergy; as in Virginia, a royal government, and in Maryland, a proprietary government. But this was done by acts of their own, which they were not obliged to make, if they did not choose it.

That "we shall have a standing army to maintain," is another bugbear raised to terrify us from endeavouring to obtain a King's government. It is very possible, that the crown may think it necessary to keep troops in America henceforward, to maintain its conquests and defend the colonies, and that the Parliament may establish some revenue arising out of the American trade, to be applied towards supporting those troops. It is possible, too, that we may, after a few years' experience, be generally very well satisfied with that measure, from the steady protection it will afford us against foreign enemies, and the security of internal peace among ourselves, without the expense or

trouble of a militia. But assure yourself, my friend, that, whether we like it or not, our continuing under a proprietary government will not prevent it, nor our coming under a royal government promote and forward it, any more than they would prevent or procure rain or sunshine.

The other objections you have communicated to me, are, that, "in case of a change of proprietary for royal government, our judges and other officers will be appointed and sent us from England; we must have a legislative council; our assembly will lose the right of sitting on their own adjournments; we shall lose the right of choosing sheriffs, and annual assemblies, and of voting by ballot." I shall not enter into the question, whether judges from England would probably be of advantage or disadvantage to our law proceedings. It is needless, as the power of appointing them is given to the governor here, by a law that has received the royal assent, the "Act for establishing Courts." The King's governor only comes in place of a proprietary governor; he must (if the change is made) take the government as he finds it. He can alter nothing. The same answer serves for all the subsequent objections. A legislative council under proper regulations might perhaps be an amendment of our constitution, but it cannot take place without our consent, as our constitution is otherwise established; nor can our assembly lose the right of sitting on their own adjournments; nor the people that of choosing sheriffs, and annual assemblies, or of voting by ballot; these rights being all confirmed by acts of assembly assented to by the crown; I mean the acts entitled, "An Act to ascertain the number of Members of Assembly and to regulate the Elections," and "An Act for regulating the Elections of Sheriffs and Coroners;" both passed in the fourth of Queen Anne.

I know it has been asserted, to intimidate us, that those acts, so far from being approved by the crown, were never presented. But I can assure you, from good authority, that they, with forty-eight others, (all passed at the same time by Governor Evans,) were duly laid before the Queen in council; who, on the 28th of April, 1709, referred the same to the Board of Trade. The Board, on the 8th of September, 1709, reported upon the said fifty acts, that they had considered the same, and had taken the opinion of the attorney-general upon several of them in point of law; and they represented against six of them, as unfit to be continued in force; but, as to the other forty-four, the titles of which are given at large, and among them the two material acts above mentioned, they had no objection to the same. Whereupon there issued two orders of the Queen in council, both dated at the Court at Windsor, the 24th of October, 1709; one repealing the six laws objected to, and the other approving the remaining forty-four.

This is a fact that you may depend upon. There is therefore nothing now that can deprive us of those privileges, but an act of Parliament; and we may rely on the united justice of King, Lords, and Commons, that no such act will ever pass, while we continue loyal and dutiful subjects. An act of assembly, indeed, may give them up; but I trust, urgent as they are for admission, we shall never see proprietary friends enough in the House to make that detestable sacrifice.

In fine, it does not appear to me, that this change of government can possibly hurt us; and I see many advantages that may flow from it. The expression, *change of government*, seems, indeed, to be too extensive; and is apt to give the idea of a general and total change of our laws and constitution. It is rather and

only a *change of governor*, that is, instead of self-interested proprietaries, a gracious King. His Majesty, who has no views but for the good of the people, will thenceforth appoint the governor, who, unshackled by proprietary instructions, will be at liberty to join with the assembly in enacting wholesome laws. At present, when the King requires supplies of his faithful subjects, and they are willing and desirous to grant them, the proprietaries intervene and say, "unless our private interests in certain particulars are served, *nothing shall be done.*" This insolent tribunitial VETO has long encumbered all our public affairs, and been productive of many mischiefs. By the measure proposed, not even the proprietaries can justly complain of any injury. The being obliged to fulfil a fair contract is no injury. The crown will be under no difficulty in completing the old contract made with their father, as there needs no application to Parliament for the necessary sum, since half the quit-rents of the lower counties belongs to the King, and the many years' arrears in the proprietaries' hands, who are the collectors, must vastly exceed what they have a right to demand, or any reason to expect.*

On the whole, I cannot but think, the more the proposal is considered, of *an humble petition to the* KING *to take this province under his Majesty's immediate protection and government*, the more unanimously we shall go into it. We are chiefly people of three countries. British spirits can no longer bear the treatment they have received, nor will they put on the chains prepared for them by a fellow subject. And the Irish and Germans have felt too severely

* In 1722, the arrears then in their hands were computed at £ 18,000 sterling.

the oppressions of hard-hearted landlords and arbitrary princes, to wish to see, in the proprietaries of Pennsylvania, both the one and the other united.

I am, with much respect, Sir,

Your most obedient, humble servant,

A. B.

PETITION TO THE KING,

FOR CHANGING THE PROPRIETARY GOVERNMENT OF PENNSYLVANIA INTO A ROYAL GOVERNMENT.

Drafted by Dr. Franklin, and adopted by the Assembly of Pennsylvania, in 1764. — EDITOR.

TO THE KING'S MOST EXCELLENT MAJESTY, IN COUNCIL,

The Petition of the Representatives of the Freemen of the Province of Pennsylvania, in General Assembly met,

Most humbly showeth;

That the government of this province by proprietaries has by long experience been found inconvenient, attended with many difficulties and obstructions to your Majesty's service, arising from the intervention of proprietary private interest in public affairs and disputes concerning those interests.

That the said proprietary government is weak, unable to support its own authority, and maintain the common internal peace of the province; great riots have lately arisen therein, armed mobs marching from place to place, and committing violent outrages and insults

on the government with impunity, to the great terror of your Majesty's subjects. And these evils are not likely to receive any remedy here, the continual disputes between the proprietaries and people, and their mutual jealousies and dislikes preventing.

We do, therefore, most humbly pray, that your Majesty would be graciously pleased to resume the government of this province, making such compensation to the proprietaries for the same as to your Majesty's wisdom and goodness shall appear just and equitable, and permitting your dutiful subjects therein to enjoy under your Majesty's more immediate care and protection, the privileges that have been granted to them by and under your royal predecessors.

By order of the House.

REMARKS

ON A PARTICULAR MILITIA BILL REJECTED BY THE PROPRIETOR'S DEPUTY, OR GOVERNOR.

TO THE FREEMEN OF PENNSYLVANIA.

Philadelphia, September 28th, 1764.

GENTLEMEN,

Your desire of knowing how the militia bill came to fail, in the last assembly, shall immediately be complied with.

As the governor pressed hard for a militia law, to secure the internal peace of the province, and the people of this country had not been accustomed to militia service, the House, to make it more generally agreeable to the freeholders, formed the bill so that they might have some share in the election of the officers; to secure them from having absolute strangers set over them, or persons generally disagreeable.

This was no more, than that every company should choose, and recommend to the governor, three persons for each office of captain, lieutenant, and ensign; *out of which three* the governor was to commission *one* that he thought most proper, or which he pleased, to be the officer. And that the captains, lieutenants, and ensigns, so commissioned by the governor, should, in their respective regiments, choose and recommend three persons for each office of colonel, lieutenant-colonel, and major; out of which three the governor was to commission *one*, whichever he pleased, to each of the said offices.

The governor's *amendment* to the bill in this particular was, to strike out wholly this privilege of the people, and take to himself the sole appointment of all the officers.

The next amendment was, to aggravate and enhance all the fines. A fine that the assembly had made one hundred pounds, and thought heavy enough, the governor required to be three hundred pounds. What they had made fifty pounds, he required to be one hundred and fifty. These were fines on the commissioned officers for disobedience to his commands; but the non-commissioned officers, or common soldiers, whom, for the same offence, the assembly proposed to fine at ten pounds, the governor insisted should be fined fifty pounds.

These fines, and some others to be mentioned hereafter, the assembly thought ruinously high. But when, in a subsequent amendment, the governor would, for offences among the militia, take away the *trial by jury* in the common courts; and required, that the trial should be by a court-martial, composed of officers of his own sole appointing, who should have power of sentencing even to death; the House could by no means consent thus to give up their constituents' liberty, estate, and life itself, into the absolute power of a proprietary governor; and so the bill failed.

That you may be assured I do not misrepresent this matter, I shall give you the last-mentioned amendment (so called) at full length; and for the truth and exactness of my copy, I dare appeal to Mr. Secretary Shippen.

The words of the bill, page 43, were, "Every such person so offending, being legally convicted thereof," &c. By the words *legally convicted* was intended a conviction after legal trial, in the common course of the

laws of the land. But the governor required this addition immediately to follow the words "convicted thereof," namely, "by a court-martial, shall suffer *death*, or such other punishment as such court, by their sentence or decree, shall think proper to inflict and pronounce. And be it farther enacted by the authority aforesaid, that when and so often as it may be necessary, the governor and commander-in-chief for the time being shall appoint and commissionate, under the great seal of this province, sixteen commissioned officers in each regiment; with authority and power to them, or any thirteen of them, to hold courts-martial, of whom a field officer shall always be one, and president of the said court; and such courts-martial shall and are hereby empowered to administer an oath to any witness, in order to the examination or trial of any of the offences, which by this act are made cognizable in such courts, and shall come before them. Provided always, that, in all trials by a court-martial by virtue of this act, every officer present at such trial, before any proceedings be had therein, shall take an *oath* upon the holy Evangelists, before one justice of the peace in the county where such court is held; who are hereby authorized to administer the same, in the following words, that is to say; 'I, A B, do swear, that I will duly administer justice according to evidence, and to the directions of an act entitled, *An Act for forming and regulating the militia of the province of Pennsylvania*, without partiality, favor, or affection; and that I will not divulge the sentence of the court, until it shall be approved of by the governor or commander-in-chief of this province for the time being; neither will I, upon any account, at any time whatsoever, disclose or *discover the vote or opinion* of any particular member of the court-martial. So help me God.' And no sentence

of death, or other sentence, shall be given against any offender, but by the concurrence of *nine* of the officers so sworn. And no sentence passed against any offender by such court-martial shall be put in execution, until report be made of the whole proceedings to the governor or commander-in-chief of this province for the time being, and his directions signified thereupon."

It is observable here, that, by the common course of justice, a man is to be tried by a jury of his neighbours and fellows, empanelled by a sheriff, in whose appointment the people have a choice. The prisoner too has a right to challenge twenty of the panel, without giving a reason, and as many more as he can give reasons for challenging; and before he can be convicted, the jury are to be unanimous; they are all to agree that he is guilty, and are therefore all accountable for their verdict. But, by this amendment, the jury (if they may be so called) are all officers of the governor's sole appointing; and not one of them can be challenged; and, though a common militia-man is to be tried, no common militia-man shall be of that jury; and, so far from requiring all to agree, a bare majority shall be sufficient to condemn you. And, lest that majority should be under any check or restraint, from an apprehension of what the world might think or say of the severity or injustice of their sentence, an oath is to be taken, never to discover the vote or opinion of any particular member.

These are some of the chains attempted to be forged for you by the proprietary faction! Who advised the governor is not difficult to know. They are the very men, who now clamor at the assembly for a proposal of bringing the trial of a particular murder to this county from another, where it was not thought safe for any man to be either juryman or witness, and call

it disfranchising the people, who are now bawling about the constitution, and pretending vast concern for your liberties. In refusing you the least means of recommending, or expressing your regard for, persons to be placed over you as officers, and who were thus to be made your judges in life and estate, they have not regarded the example of the King, our wise as well as kind master; who, in all his requisitions made to the colonies, of raising troops for their defence, directed, that, "the better to facilitate the important service, the commissions should be given to such as, from their weight and credit with the people, may be best enabled to effectuate the levies." * In establishing a militia for the defence of the province, how could the "weight and credit" of men with the people be better discovered, than by the mode that bill directed, namely, by a majority of those, that were to be commanded, nominating three for each office to the governor, of which three he might take the one he liked best?

However, the courts-martial being established, and all of us thus put into his Honor's absolute power, the governor goes on to enhance the fines and penalties. Thus, in page 49 of the bill, where the assembly had proposed the fine to be ten shillings, the governor required it to be ten pounds. In page 50, where a fine of five pounds was mentioned, the governor's amendment required it to be made fifty pounds. And, in page 44, where the assembly had said, "shall forfeit and pay any sum, not exceeding five pounds," the governor's amendment says, "shall suffer *death*, or such other punishment as shall, according to the nature of the offence, be inflicted by the sentence of a court-martial."

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* See Secretary of State's Letters in the printed Votes.

The assembly's refusing to admit of these amendments in that bill, is one of their offences against the lord proprietary, for which that faction are now abusing them in both the languages* of the province, with all the virulence that reverend malice can dictate; enforced by numberless barefaced falsehoods, that only the most dishonest and base would dare to invent, and none but the most weak and credulous can possibly believe.

VERITAS.

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* That is, the English and German languages, both of which were used in Pennsylvania. —EDITOR.

PREFACE

TO THE

SPEECH OF JOSEPH GALLOWAY,

ON THE SUBJECT OF A PETITION TO THE KING FOR CHANGING THE PROPRIETARY GOVERNMENT OF PENNSYLVANIA TO A ROYAL GOVERNMENT.

While the petition to the King for a royal government in Pennsylvania was under discussion in the assembly, Mr. John Dickinson made a speech against it, which was printed in a pamphlet, with a long preface by another hand. Mr. Galloway published a reply, entitled, "The Speech of Joseph Galloway, One of the Members for Philadelphia County, in Answer to the Speech of John Dickinson, delivered in the House of Assembly of the Province of Pennsylvania, May 24th, 1764." To this reply was prefixed the following Preface, written by Dr. Franklin. For sarcastic humor, point, and strength of argument, it is one of the best of his performances. The contest created a good deal of heat between the parties. Mr. Dickinson wrote an answer to Galloway's *Speech*, in which he defended himself ably; but his language was too strongly marked with asperity and personal invective. — Editor.

It is not merely because Mr. Dickinson's speech was ushered into the world by a *preface*, that one is made to this of Mr. Galloway. But, as in that preface a number of aspersions were thrown on our assemblies, and their proceedings grossly misrepresented, it was thought necessary to wipe those aspersions off by some proper animadversions, and, by a true state of facts, to rectify those misrepresentations.

The preface begins with saying, that "Governor Denny (whose administration will never be mentioned but with disgrace in the annals of this province) was induced by considerations, to which the world is now no stranger, to pass sundry acts," &c., thus insinuating, that by some unusual base bargain, secretly made but afterwards discovered, he was induced to pass them.

It is fit, therefore, without undertaking to justify all that governor's administration, to show *what* those considerations were. Ever since the revenue of the quit-rents first, and after that the revenue of tavern-licenses, were settled irrevocably on our proprietors and governors, they have looked on those incomes as their proper estate, for which they were under no obligations to the people; and when they afterwards concurred in passing any useful laws, they considered them as so many jobs, for which they ought to be particularly paid. Hence arose the custom of *presents* twice a year to the governors, at the close of each session in which laws were passed, given at the time of passing; they usually amounted to a thousand pounds per annum. But when the governors and assemblies disagreed, so that laws were not passed, the presents were withheld. When a disposition to agree ensued, there sometimes still remained some *diffidence*. The governors would not pass the laws that were wanted, without being sure of the money, even all that they called their arrears; nor the assemblies give the money without being sure of the laws. Thence the necessity of some private conference, in which mutual assurances of good faith might be received and given, that the transactions should go hand in hand. What name the impartial reader will give to this kind of commerce, I cannot say. To me it appears an extortion of more money from the people, for that to which they had before an undoubted right,

both by the constitution and by purchase; but there was no other shop they could go to for the commodity they wanted, and they were obliged to comply. Time established the custom, and made it seem honest; so that our governors, even those of the most undoubted honor, have practised it.

Governor Thomas, after a long misunderstanding with the assembly, went more openly to work with them in managing this commerce, and they with him. The fact is curious, as it stands recorded in the votes of 1742–3. Sundry bills sent up to the governor for his assent had lain long in his hands, without any answer. January 4th, the House "Ordered, That Thomas Leech and Edward Warner wait upon the governor, and acquaint him, that the House had long waited for his result on the bills that lie before him, and desire to know when they may expect it." The gentlemen return and report, "That they waited upon the governor, and delivered the message of the House according to order; and that the governor was pleased to say, 'He had had the bills long under consideration, and waited the result of the House.'" The House well understood this hint; and immediately resolved into a committee of the whole House, to take what was called *the governor's support* into consideration, in which they made (the minutes say) *some progress;* and the next morning, it appears, that that *progress*, whatever it was, had been communicated to him, for he sent them down this message by his secretary; "Mr. Speaker, The governor commands me to acquaint you, that, as he has received assurances of a *good disposition* in the House, he thinks it incumbent on him to show *the like* on his part; and therefore sends down the bills, which lay before him, without any amendment."

As this message only showed a good disposition, but

contained no promise to pass the bills, the House seem to have had their doubts; and, therefore, February 2d, when they came to resolve, on the report of the grand committee, to give the money, they guarded their resolves very cautiously, to wit, "Resolved, That, *on the passage* of such bills as now lie before the governor, (the naturalization bill, and such other bills as may be presented to him during this sitting,) there be *paid* him the sum of *five hundred pounds*. Resolved also, that, on the passage of such bills as now lie before the governor, (the naturalization bill, and such other bills as may be presented to him this sitting,) there be paid to the governor the further sum of *one thousand pounds*, for the current year's support; and that orders be drawn on the treasurer and trustees of the loan-office, pursuant to these resolves." The orders were accordingly drawn; with which being acquainted, he appointed a time to pass the bills; which was done with one hand, while he received the orders in the other; and then, with the utmost politeness he thanked the House for the fifteen hundred pounds, as if it had been a pure free gift, and a mere mark of their respect and affection. "I thank you, Gentlemen," says he, "for this instance of *your regard*, which I am the more pleased with, as it gives an agreeable prospect of *future harmony* between me and the representatives of the people."

This, reader, is an exact counterpart of the transaction with Governor Denny; except that Denny sent word to the House, that he would pass the bills *before* they voted the support. And yet *here* was no proprietary clamor about bribery, &c. And why so? Why, at that time, the proprietary family, by virtue of a *secret bond* they had obtained of the governor at his appointment, were to *share with* him the sums so obtained of the people.

This reservation of the proprietaries they were at that time a little ashamed of, and therefore such bonds were then to be secrets. But, as in every kind of sinning frequent repetition lessens shame and increases boldness, we find the proprietaries ten years afterwards openly insisting on these advantages to themselves, *over and above* what was paid to their deputy; "Wherefore," say they,* "on this occasion it is necessary that we inform the people, through yourselves, their representatives, that, as by the constitution our consent is necessary to their laws, at the same time that they have an *undoubted right* to such as are necessary for the defence and real service of the country, so it will tend the better to *facilitate* the several matters, which must be transacted with us, for their representatives to show a *regard to us* and our *interest*."

This was in their answer to the representation of the assembly, (*Votes*, December, 1754, p. 48,) on the justice of their contributing to Indian expenses, which they had refused. And on this clause the committee make the following remark; "They tell us, their consent is necessary to our laws, and that it will tend the better to facilitate the matters which must be transacted with them, for the representatives to show a regard to their *interest*; that is, (as we understand it,) though the proprietaries have a deputy here, supported by the province, who is, or ought to be, fully empowered to pass all laws necessary for the service of the country, yet, before we can obtain such laws, we must facilitate their passage by paying money for the proprietaries, which they ought to pay, or in some shape make it their particular interest to pass them. We hope, however, that, if this practice has ever been begun, it will

* That is, to the assembly. — B. V.

never be continued in this province; and that, since, as this very paragraph allows, we have an undoubted right to such laws, we shall always be able to obtain them from the goodness of our sovereign, without going to market for them to a subject." Time has shown that those hopes were vain; they have been obliged to go to that market ever since, directly or indirectly, or go without their laws. The practice has continued, and will continue, as long as the proprietary government subsists, intervening between the crown and the people.

Do not, my courteous reader, take pet at our proprietary constitution for these our bargain and sale proceedings in legislation. It is a happy country where justice, and what was your own before, can be had for ready money. It is another addition to the value of money, and of course another spur to industry. Every land is not so blessed. There are countries where the princely proprietor claims to be lord of all property, where what is your own shall not only be wrested from you, but the money you give to have it restored shall be kept with it; and your offering so much, being a sign of your being too rich, you shall be plundered of every thing that remained. These times are not come here yet. Your present proprietors have never been more unreasonable hitherto, than barely to insist on your fighting in defence of *their* property, and paying the expense yourselves; or if their estates must, ah! *must*, be taxed towards it, that the *best* of their lands shall be taxed no higher than the *worst* of yours.

Pardon this digression, and I return to Governor Denny. But first let me do Governor Hamilton the justice to observe, that, whether from the uprightness of his own disposition, or from the odious light the practice had been set in on Denny's account, or from both, he did not attempt these bargains, but passed

such laws as he thought fit to pass, without any *previous* stipulation of pay for them. But then, when he saw the assembly tardy in the payment he expected, and yet calling upon him still to pass more laws, he openly put them in mind of the money, as a *debt* due to him from custom. "In the course of the present year," says he, in his message of July 8th, 1763, "a great deal of public business hath been transacted by me, and I believe as many useful laws enacted, as by any of my predecessors in the same space of time; yet I have not understood that any allowance hath hitherto been made to me for my support, as hath been customary in this province."

The House, having then some bills in hand, took the matter into immediate consideration, and voted him five hundred pounds, for which an order or certificate was accordingly drawn; and on the same day the Speaker, after the House had been with the governor, reported, "That his Honor had been pleased to give his assent to the bills, by enacting the same into laws. And Mr. Speaker farther reported, that he had then, in behalf of the House, presented their certificate of five hundred pounds to the Governor; who was pleased to say, he was obliged to the House for the same." Thus we see the practice of purchasing and paying for laws is interwoven with our proprietary constitution, used in the best times, and under the best governors. And yet, alas, poor assembly! how will you steer your brittle bark between these rocks? If you pay *ready money* for your laws, and those laws are not liked by the proprietaries, you are charged with bribery and corruption; if you *wait a while* before you pay, you are accused of detaining the governor's customary right, and dunned as a negligent or dishonest debtor, that refuses to discharge a just debt.

But Governor Denny's case, I shall be told, differs from all these; for the acts he was induced to pass were, as the Prefacer tells us, "contrary to his duty, and to every tie of honor and justice." Such is the imperfection of our language, and perhaps of all other languages, that, notwithstanding we are furnished with dictionaries innumerable, we cannot precisely know the import of words, unless we know of what party the man is that uses them. In the mouth of an assembly-man, or true Pennsylvanian, "contrary to his duty and to every tie of honor and justice," would mean, the governor's long refusal to pass laws, however just and necessary, for taxing the proprietary estate; a refusal contrary to the trust reposed in the lieutenant-governor by the royal charter; to the rights of the people, whose welfare it was his duty to promote; and to the nature of the contract made between the governor and the governed, when the quitrents and license fees were established, which confirmed what the proprietaries call our "undoubted right" to necessary laws. But, in the mouth of the proprietaries, or their creatures, "contrary to his duty, and to every tie of justice and honor," means, his passing laws contrary to proprietary instructions, and contrary to the bonds he had previously given to observe those instructions; instructions, however, that were unjust and unconstitutional; and bonds, that were illegal and void from the beginning.

Much has been said of the wickedness of Governor Denny in passing, and of the assembly in prevailing with him to pass, those acts. By the Prefacer's account of them, you would think the laws so obtained were all bad; for he speaks of but seven, of which six, he says, were repealed, and the seventh reported to be "fundamentally *wrong* and *unjust*," and "ought to

be repealed, unless six certain amendments were made therein." * Whereas, in fact, there were nineteen of them; and several of those must have been good laws, for even the proprietaries did not object to them. Of the eleven that they opposed, only six were repealed; so that it seems these good gentlemen may themselves be sometimes as wrong in opposing, as the assembly in enacting laws. But the words "fundamentally wrong and unjust" are the great fund of triumph to the proprietaries and their partisans. These their subsequent governors have unmercifully dinned in the ears of the assembly on all occasions ever since; for they make a part of near a dozen of their messages. They have rung the changes on those words, till they have worked them up to say that the law was fundamentally wrong and unjust in six several articles; (*Governor's Message*, May 17th, 1764,) instead of "ought to be repealed, unless six alterations or amendments could be made therein." A law unjust in six several articles must be an unjust law indeed. Let us therefore, once for all, examine this unjust law, article by article, in order to see whether our assemblies have been such villains as they have been represented.

The first particular in which their lordships proposed the act should be amended was, "That the real estates to be taxed be *defined with precision;* so as not to include the unsurveyed waste land belonging to the proprietaries." This was, at most, but an obscurity to be cleared up; and, though the law might well appear to their lordships uncertain in that particular, with us, who better know our own customs, and that the proprietaries' waste unsurveyed land was never here

* The act is entitled, "An Act for granting to his Majesty the sum of one hundred thousand pounds; striking the same in bills of credit, and sinking the bills by a tax on all estates real and personal."

considered among estates real, subject to taxation; there was not the least doubt or supposition, that such lands were included in the words "all estates real and personal." The agents, therefore,* knowing that the assembly had no intention to tax those lands, might well suppose they would readily agree to remove the obscurity.

Before we go farther, let it be observed, that the main design of the proprietaries in opposing this act was, to *prevent their estates being taxed at all.* But, as they knew that the doctrine of the proprietary exemption, which they had endeavoured to enforce here, could not be supported there, they bent their whole strength against the act on *other* principles to procure its repeal; pretending great willingness to submit to an equitable tax, but that the assembly (out of mere malice, because they had conscientiously quitted Quakerism for the church,) were wickedly determined to ruin them, to tax all their unsurveyed wilderness lands, and at the highest rates; and by that means exempt themselves and the people, and throw the whole burden of the war on the proprietary family.

How foreign these charges were from the truth, need not be told to any man in Pennsylvania. And, as the proprietors knew, that the hundred thousand pounds of paper money, struck for the defence of *their* enormous estates, with others, was actually issued, spread through the country, and in the hands of thousands of poor people, who had given their labor for it, how base, cruel, and inhuman it was to endeavour, by a repeal of the act, to strike the money dead in those hands at one blow, and reduce it all to waste paper; to the

* The agents in England, whither the laws were sent to receive the King's assent. Franklin was one of the agents in that country at the time the laws in question were sent out for approval. — EDITOR.

utter confusion of all trade and dealings, and the ruin of multitudes, merely to avoid paying their own just tax;—words may be wanting to express, but minds will easily conceive, and never without abhorrence.

The second amendment proposed by their lordships was, "That the located uncultivated lands belonging to the proprietaries shall not be assessed higher than the *lowest* rate, at which any located uncultivated lands belonging to the inhabitants shall be assessed." Had there been any provision in the act, that the proprietaries' lands and those of the people, of the same value, should be taxed differently, the one high, and the other low, the act might well have been called in this particular "fundamentally wrong and unjust." But, as there is no such clause, this cannot be one of the particulars on which the charge is founded; but, like the first, is merely a requisition to make the act *clear;* by express directions therein, that the proprietaries' estate should not be, as they pretended to believe it would be, taxed higher in proportion to its value than the estates of others. As to their present claim, founded on that article, "that the best and most valuable of their lands, should be taxed no higher than the worst and least valuable of the people's," it was not *then* thought of; they made no such demand; nor did any one dream, that so iniquitous a claim would ever be made by men, who had the least pretence to the characters of honorable and honest.

The third particular was, "That all lands, not granted by the proprietaries within boroughs and towns, be deemed located uncultivated lands, and rated accordingly, and not as lots." The clause in the act that this relates to is, "And whereas many valuable lots of ground within the city of Philadelphia, and the several boroughs and towns within this province, remain

unimproved; be it enacted, &c., that *all* such unimproved lots of ground within the city and boroughs aforesaid shall be rated and assessed according to their situation and value, for and towards raising the money hereby granted." The reader will observe, that the word is, *all* unimproved lots; and that *all* comprehends the lots belonging to the people, as well as those of the proprietary. There were many of the former; and a number belonging even to members of the then assembly; and, considering the value, the tax must be proportionably as grievous to them, as the proprietary's to him.

Is there among us a single man, even a proprietary relation, officer, or dependant, so insensible of the differences of right and wrong, and so confused in his notions of just and unjust, as to think and say, that the act in this particular was "fundamentally wrong and unjust"? I believe not one. What, then, could their lordships mean by the proposed amendment? Their meaning is easily explained. The proprietaries have considerable tracts of land within the bounds of boroughs and towns, that have not yet been divided into lots. They pretended to believe, that by virtue of this clause an imaginary division would be made of those lands into lots, and an extravagant value set on such imaginary lots, greatly to their prejudice. It was answered, that no such thing was intended by the act; and that by "lots" was meant only such ground as had been surveyed and divided into lots, and not the open undivided lands. If this only is intended, say their lordships, then let the act be amended, so as clearly to express what is intended. This is the full amount of the third particular. How the act was understood here, is well known by the execution of it, before the dispute came on in England, and therefore

before their lordships' opinion on the point could be given; of which full proof shall presently be made. In the mean time it appears, that the act was not on this account "fundamentally wrong and unjust."

The fourth particular is, "That the governor's consent and approbation be made necessary to every issue and application of the money, to be raised by virtue of such act." The assembly intended this, and thought they had done it in the act. The words of the clause being, "That [the commissioners named], or the major part of them, or of the survivors of them, *with the consent* or approbation of the governor or commander-in-chief of this province for the time being, shall order and appoint *the dispositions of the moneys* arising by virtue of this act, for and towards paying and clothing two thousand seven hundred effective men," &c. It was understood here, that as the power of disposing was expressly to be with the consent and approbation of the governor, the commissioners had no power to dispose of the money without that approbation. But their lordships, jealous (as their station requires) of this prerogative of the crown, and being better acquainted with the force and weakness of law expression, did not think the clause explicit enough, unless the words "*and not otherwise*" were added, or some other words equivalent. This particular, therefore, was no more than another requisition of greater clearness and precision, and by no means a foundation for the charge of "fundamentally wrong and unjust."

The fifth particular was, "That provincial commissioners be named, to hear and determine appeals, brought on the part of the inhabitants, as well as the proprietaries." There was already subsisting a provision for the appointment of county commissioners of appeal; by whom the act might be, and actually has

been (as we shall presently show), justly and impartially executed with regard to the proprietaries; but provincial commissioners appointed in the act it was thought might be of use in regulating and equalizing the modes of assessment of different counties where they were unequal, and, by affording a second appeal, tend more to the satisfaction both of the proprietaries and the people. This particular was, therefore, a mere proposed improvement of the act; which could not be, and was not, in this respect, denominated "fundamentally wrong and unjust."

We have now gone through five of the six proposed amendments, without discovering any thing on which that censure could be founded; but the sixth remains, which points at a part of the act wherein we must candidly acknowledge there is something, that, in their lordships' view of it, must justify their judgment. The words of the sixth article are, "That the payments by the tenants to the proprietaries of their rents shall be according to the term of their respective grants; as if such act had never been passed." This relates to that clause of the act by which the paper money was made a legal tender in "discharge of all manner of debts, rents, sum and sums of money whatsoever, &c., at the rates ascertained in the act of Parliament made in the sixth of Queen Anne."

From the great injustice frequently done to creditors, and complained of from the colonies, by the vast depreciation of paper bills, it was become a general fixed principle with the ministry, that such bills (whose value though fixed in the act, could not be kept fixed by the act,) ought not to be made a legal tender in any colony at those rates. The Parliament had before passed an act to take that tender away in the four New England colonies, and have since made the act general.

This was what their lordships would therefore have proposed for the amendment. But, it being represented, that the chief support of the credit of the bills was the legal tender, and that without it they would become of no value, it was allowed generally to remain, with an exception to the proprietaries' rents, where there was a special contract for payment in another coin. It cannot be denied but that this was doing justice to the proprietaries; and that, had the requisition been in favor of *all other* creditors also, the justice had been equal, as being general. We do not therefore presume to impeach their lordships' judgment, that the act, as it enforced the acceptance of bills for money at a value which they had only nominally, and not really, was in that respect "fundamentally wrong and unjust."

And yet we believe the reader will not think the assembly so much to blame, when he considers that the making paper bills a legal tender had been the universal mode in America for more than threescore years; that there was scarce a colony, that had not practised that mode more or less; that it had always been thought absolutely necessary, in order to give the bills a credit, and thereby obtain from them the uses of money; that the inconveniences were therefore submitted to, for the sake of the greater conveniences; that acts innumerable of the like kind had been approved by the crown; and that, if the assembly made the bills a legal tender at those rates to the proprietaries, they made them also a legal tender to themselves, and all their constituents, many of whom might suffer in their rents, &c., as much in proportion to their estates as the proprietaries.

But, if he cannot on these considerations quite excuse the assembly, what will he think of those honorable proprietaries, who, when paper money was issued in their

colony for the *common defence* of their vast estates with those of the people, and who must therefore reap at least equal advantages from those bills with the people, could nevertheless wish to be exempted from their share of the unavoidable disadvantages. Is there upon earth a man besides, with any conception of what is honest, with any notion of honor, with the least tincture in his veins of the gentleman, but would have blushed at the thought, but would have rejected with disdain such undue preference, if it had been offered him? Much less would he have struggled for it, moved heaven and earth to obtain it, resolved to ruin thousands of his tenants by a repeal of the act, rather than miss of it,* and enforce it afterwards by an audaciously wicked instruction; forbidding aids to his King, and exposing the province to destruction, unless it was complied with. And yet, these are honorable men.†

Here, then, we have had a full view of the assembly's injustice, about which there has been so much insolent triumph. But let the proprietaries and their discreet deputies hereafter recollect and remember, that the same august tribunal, which censured some of the modes and circumstances of that act, did at the same

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* This would have been done, and the money all sunk in the hands of the people, if the agents, Benjamin Franklin and Robert Charles, had not interposed, and voluntarily, without authority from the assembly so to do, but at their own risk, undertaken that those amendments should be made, or that they themselves would indemnify the proprietaries from any damages they might sustain for want thereof. An action which, as the Prefacer says in another case, "posterity perhaps may find a name for."

† It is not easy to guess from what source our proprietaries have drawn their principles. Those who study law and justice, as a science, have established it a maxim in equity, "Qui sentit commodum, sentire debet et onus." And so consistent is this with the common sense of mankind, that even our lowest untaught cobblers and porters feel the force of it in their own maxim, (which *they* are honest enough never to dispute,) "Touch pot, touch penny."

time establish and confirm the grand principle of the act, namely, "That the proprietary estate ought, with other estates, to be taxed;" and thereby did, in effect, determine and pronounce, that the opposition so long made in various shapes to that just principle, by the proprietaries, was "fundamentally *wrong* and *unjust*." An injustice they were not, like the assembly, under any necessity of committing for the public good; or any other necessity, but what was imposed on them by those base passions that act the tyrant in bad minds; their selfishness, their pride, and their avarice.

I have frequently mentioned the equitable intentions of the House in those parts of the act that were supposed obscure, and how they were understood here. A clear proof thereof is found, as I have already said, in the actual execution of the act; in the execution of it before the contest about it in England, and therefore before their lordships' objections to it had a being. When the report came over, and was laid before the House, one year's tax had been levied; and the assembly, conscious that no injustice had been intended to the proprietaries, and willing to rectify it if any should appear, appointed a committee of members from the several counties to examine into the state of the proprietaries' taxes through the province, and nominated on that committee a gentleman of known attachment to the proprietaries, and their chief justice, Mr. Allen, to the end that the strictest inquiry might be made. Their report was as follows;

"We, the committee appointed to inquire into and consider the state of the proprietary taxation through the several counties, and report the same to the House, have, in pursuance of the said appointment, carefully examined the returns of property, and compared them with the respective assessments thereon made through the whole province; and find,

"First, that no part of the unsurveyed waste lands belonging to the proprietaries have, in any instance, been included in the estates taxed.

"Secondly, that some of the located uncultivated lands belonging to the proprietaries, in several counties, remain unassessed; and are not in any county assessed higher than the lands under like circumstances belonging to the inhabitants.

"Thirdly, that all lands not granted by the proprietaries, within boroughs and towns, remain untaxed, excepting in a few instances, and in those they are rated as low, as the lands which are granted in the said boroughs and towns.

"The whole of the proprietary tax of eighteen pence in the pound, amounts to £566 4*s.* 10*d.* And the sum of the tax on the inhabitants for the same year amounts, through the several counties, to £27,103 12*s.* 8*d.* And it is the opinion of your committee, that there has not been any injustice done to the proprietaries, or attempts made to rate or assess any part of their estates higher than the estates of the like kind belonging to the inhabitants are rated and assessed; but, on the contrary, we find, that their estates are rated, in many instances, below others.

"Thomas Leech,	George Ashbridge,
"Joseph Fox,	Emanuel Carpenter,
"Samuel Rhoads,	John Blackburn,
"Abraham Chapman,	William Allen."

The House communicated this report to Governor Hamilton, when he afterwards pressed them to make the stipulated act of amendment; acquainting him, at the same time, that, as in the execution of the act no injustice had hitherto been done to the proprietary, so, by a yearly inspection of the assessments, they would take care that none should be done him; for that, if

any should appear, or the governor could at any time point out to them any that had been done, they would immediately rectify it; and, therefore, as the act was shortly to expire, they did not think the amendments necessary. Thus that matter ended during *that* administration.

And had his successor, Governor Penn, permitted it still to sleep, we are of opinion it had been more to the honor of the family, and of his own discretion. But he was pleased to found upon it a *claim* manifestly unjust, and which he was totally destitute of reason to support. A claim, that the proprietaries' best and most valuable located uncultivated lands should be taxed *no higher* than the worst and least valuable of those belonging to the inhabitants; to enforce which, as he thought the words of one of the stipulations seemed to give some countenance to it, he insisted on using those very words as sacred; from which he could, "neither in decency or in duty" deviate; though he had agreed to deviate from words in the same report, and therefore equally sacred in every other instance. A conduct which will (as the Prefacer says in Governor Denny's case) for ever disgrace the annals of *his* administration.*

Never did any administration open with a more promising prospect than this of Governor Penn. He assured the people, in his first speeches, of the proprietaries' paternal regard for them, and their sincere dispositions to do every thing that might promote their happiness. As the proprietaries had been pleased to appoint a son of the family to the government, it was thought not unlikely that there might be something in

* For a fuller account of this dispute the reader is referred to the newspapers, and votes of assembly.

these professions; for that they would probably choose to have his administration made easy and agreeable, and to that end might think it prudent to withdraw those harsh, disagreeable, and unjust instructions with which most of his predecessors had been hampered.

The assembly therefore believed fully, and rejoiced sincerely. They showed the new governor every mark of respect and regard that was in their power. They readily and cheerfully went into every thing he recommended to them. And when he and his authority were insulted and endangered by a lawless, murdering mob, they and their friends took arms at his call, and formed themselves round him for his defence, and the support of his government.

But when it was found, that those mischievous instructions still subsisted, and were even farther extended; when the governor began, unprovoked, to send the House affronting messages, seizing every imaginary occasion of reflecting on their conduct; when every other symptom appeared of fixed, deep-rooted, family malice, which could but a little while bear the unnatural covering that had been thrown over it; what wonder is it, if all the old wounds broke out and bled afresh; if all the old grievances, still unredressed, were recollected; if despair succeeded of seeing any peace with a family, that could make such returns to all their overtures of kindness. And when, in the very proprietary council, composed of staunch friends of the family, and chosen for their attachment to it, it was observed, that the *old men* (1 Kings, ch. xii.) withdrew themselves, finding their opinion slighted, and that all measures were taken by the advice of two or three *young men* (one of whom too denies his share in them); is it any wonder, since like causes produce like effects, if the assembly, not-

withstanding all their veneration for the first proprietor, should say, with the children of Israel under the same circumstances, "What portion have we in David, or inheritance in the son of Jesse? To your tents, O Israel."

Under these circumstances, and a conviction, that, while so many natural sources of difference subsisted between proprietaries and people, no harmony in government could long subsist (without which neither the commands of the crown could be executed, nor the public good promoted) the House resumed the consideration of a measure that had often been proposed in former assemblies; a measure, that every proprietary province in America had, from the same causes, found themselves obliged to take, and had actually taken, or were about to take; and a measure, that had happily succeeded wherever it was taken; I mean the recourse to an immediate *royal government.*

They, therefore, after a thorough debate, and making no less than twenty-five unanimous resolves, expressing the many grievances this province had long labored under, through the proprietary government, came to the following resolution, viz. "Resolved, *nemine contradicente*, that this House will adjourn, in order to consult their constituents, whether an humble address should be drawn up and transmitted to his Majesty; praying that he would be graciously pleased to take the people of this province under his immediate protection and government; by completing the agreement heretofore made with the first proprietary for the sale of the government to the crown, or otherwise, as to his wisdom and goodness shall seem meet." *

* These words, "by completing the agreement," &c. are omitted by the honest Prefacer, in his account of the resolve, that they might not interfere with his insinuation of the measure's being impracticable; "Have

This they ordered to be made public, and it was published accordingly in all the newspapers. The House then adjourned for no less than seven weeks, to give their constituents time to consider the matter, and themselves an opportunity of taking their opinion and advice. Could any thing be more deliberate, more fair and open, or more respectful to the people that chose them? During this recess, the people in many places held little meetings with each other; the result of which was, that they would manifest their sentiments to their representatives, by petitioning the crown directly of themselves, and requesting the assembly to transmit and support those petitions. At the next meeting many of these petitions were delivered to the House with that request; they were signed by a very great number * of the most substantial inhabitants; and

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the proprietors, by any act of theirs, forfeited the least tittle of what was granted them by his Majesty's royal ancestors? Or can they be *deprived* of their charter rights without their consent?" &c. Sensible that these questions are impertinent, if those rights are already sold.

* The Prefacer, with great art, endeavours to represent this number as insignificant. He says the petitioners were but three thousand five hundred, and that the province contains near three hundred thousand *souls*. His reader is to imagine that *two hundred and ninety-six thousand five hundred* of them were applied to, and refused to sign it. The truth is, that his number of souls is vastly exaggerated. The dwelling-houses in the province, in 1752, did not exceed twenty thousand. Political arithmeticians reckon generally but five souls to a house, one house with another; and, therefore, allowing for houses since built, there are not probably more than a hundred and ten thousand souls in the province; that of these, scarce twenty-two thousand could with any propriety be petitioners. And, considering the scattered settlement of the province; the general inattention of mankind, especially in new countries, to public affairs; and the indefatigable pains taken by the proprietaries' new allies, the Presbyterian clergy of Philadelphia, (who wrote circular letters to every congregation in the county, to deter them from petitioning, by dutiful intimations, that if we were reduced to a royal government, it would be the "ruin of the province,") it is a wonder the number (near a sixth part) was so great as it was. But if there had been no such petitions, it would not have been material to the point. The assembly went upon

not the least intimation was received by the assembly from any other of their constituents, that the method was disapproved; except in a petition from an obscure township in Lancaster county, to which there were about forty names indeed, but all evidently signed by three hands only.

What could the assembly infer from the expressed willingness of a part, and silence of the rest, but that the measure was universally agreeable? They accordingly resumed the consideration of it; and, though a small, very small opposition then appeared to it in the House, yet, as even that was founded, not on the impropriety of the thing, but on the supposed unsuitableness of the time or the manner, and a majority of nine tenths being still for it, a petition was drawn, agreeable to the former resolve, and ordered to be transmitted to his Majesty.

But the Prefacer tells us, that these petitioners for a change, were a "number of rash, ignorant, and inconsiderate people," and generally of a low rank. To be sure they were not of the proprietary officers, dependents, or expectants, and those are chiefly the people of high rank among us; but they were otherwise generally men of the best estates in the province, and men of reputation. The assembly, who come from all parts of the country, and therefore may be supposed to know them, at least as well as the Prefacer, have given that testimony of them. But what is the testimony of the assembly, who, in his opinion are equally rash, ignorant, and inconsiderate with the petitioners? And, if his judgment is right, how imprudently and contrary to their charter have his *three hundred thousand souls*

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another foundation. They had adjourned to consult their constituents; they returned satisfied that the measure was agreeable to them, and *nothing appeared to the contrary.*

acted in their elections of assembly men, these twenty years past; for the charter requires them to choose men of most note for virtue, wisdom, and ability.

But these are qualities engrossed it seems by the proprietary party. For, they say, "The *wiser* and *better* part of the province had far different notions of this measure; they considered, that the moment they put their hands to these petitions they might be surrendering up their birthright." I felicitate them on the honor they have thus bestowed upon themselves; on the sincere compliments thus given and accepted; and on their having with such noble freedom discarded the snivelling pretence to modesty, couched in that threadbare form of words, "Though we say it, that should not say it." But is it not surprising, that, during the seven weeks' recess of the assembly, expressly to consult their constituents on the expediency of this measure, and during the fourteen days the House sat deliberating on it after they met again, these their wisdoms and betternesses should never be so kind as to communicate the least scrap of their prudence, their knowledge, or their consideration to their rash, ignorant, and inconsiderate representatives? Wisdom in the mind is not like money in the purse, diminished by communication to others; they might have lighted up our farthing candles for us, without lessening the blaze of their own flambeaux. But they suffered our representatives to go on in the dark till the fatal deed was done; and the petition sent to the King, praying him to take the government of this province into his immediate care; whereby, if it succeeds, "our glorious plan of public liberty and charter of privileges is to be bartered away," and we are to be made slaves for ever. Cruel parsimony! to refuse the charity of a little understanding, when God had given you so much, and

the assembly begged it as an alms. O, that you had but for once remembered and observed the counsel of that wise poet, Pope, where he says,

> "Be niggards of advice on no pretence;
> For the worst avarice is that of sense."

In the constitution of our government and in that of one more, there still remains a particular thing that none of the other American governments have; to wit, the appointment of a governor by the proprietors, instead of an appointment by the crown. This particular in government has been found inconvenient, attended with contentions and confusions wherever it existed, and has therefore been gradually taken away from colony after colony, and everywhere greatly to the satisfaction and happiness of the people.

Our wise first proprietor and founder was fully sensible of this; and being desirous of leaving his people happy, and preventing the mischiefs that he foresaw must in time arise from that circumstance, if it was continued; he determined to take it away, if possible, during his own lifetime. They accordingly entered into a contract for the sale of the proprietary right of government to the crown; and actually received a sum in part of the consideration. As he found himself likely to die before that contract (and with it his plan for the happiness of his people) could be completed, he carefully made it part of his last will and testament, devising the right of the government to two noble lords, in trust, that they should release it to the crown. Unfortunately for us, this has never yet been done. And this is merely what the assembly now desire to have done.

Surely he that formed our constitution, must have understood it. If he had imagined, that all our privileges depended on the proprietary government, will

any one suppose, that he would himself have meditated the change; that he would have taken such effectual measures as he thought them, to bring it about speedily, whether he should live or die? Will any of those, who now extol him so highly, charge him at the same time with the baseness of endeavouring thus to defraud his people of all the liberties and privileges he had promised them, and by the most solemn charters and grants assured to them, when he engaged them to assist him in the settlement of his province? Surely none can be so inconsistent. And yet this proprietary right of governing or appointing a governor has all of a sudden changed its nature; and the preservation of it become of so much importance to the welfare of the province, that the assembly's only petitioning to have their venerable founder's will executed, and the contract he entered into for the good of his people completed, is styled, an "attempt to violate the constitution for which our fathers planted a wilderness; to barter away our glorious plan of public liberty and charter privileges; a risking of the whole constitution; an offering up our whole charter rights; a wanton sporting with things sacred," &c.

Pleasant surely it is to hear the proprietary partisans, of all men, bawling for the constitution, and affecting a terrible concern for our liberties and privileges. They, who have been these twenty years cursing our constitution, declaring that it was no constitution, or worse than none; and that things could never be well with us, till it was new modelled, and made exactly conformable to the British constitution; they who have treated our distinguishing privileges as so many illegalities and absurdities; who have solemnly declared in print, that, though such privileges might be proper in the infancy of a colony to encourage its settlement, they became

unfit for it in its grown state, and ought to be taken away; they who, by numberless falsehoods, propagated with infinite industry in the mother country, attempted to procure an act of Parliament for the actual depriving a very great part of the people of their privileges; they, too, who have already deprived the whole people of some of their most important rights, and are daily endeavouring to deprive them of the rest; are these become patriots and advocates for our constitution? Wonderful change! Astonishing conversion! Will the wolves then protect the sheep, if they can but persuade them to give up their dogs? Yes; the assembly would destroy all their own rights and those of the people, and the proprietary partisans are become the champions for liberty. Let those, who have faith, now make use of it; for, if it is rightly defined "the evidence of things not seen," certainly never was there more occasion for such evidence, the case being totally destitute of all other.

It has been long observed, that men are, with that party, angels or demons, just as they happen to concur with or oppose their measures. And I mention it for the comfort of *old sinners*, that in politics, as well as in religion, repentance and amendment, though late, shall obtain forgiveness, and procure favor. Witness the late speaker, Mr. Norris; a steady and constant opposer of all the proprietary encroachments, and whom, for thirty years past, they have been therefore continually abusing, allowing him no one virtue or good quality whatsoever; but now, as he showed some unwillingness to engage in this present application to the crown, he is become all at once the "faithful servant." But let me look at the text, to avoid mistakes; and, indeed, I was mistaken; I thought it had been "faithful servant of the public," but I find it is only "of the

House." Well chosen, that expression, and prudently guarded. The former, from a proprietary pen, would have been praise too much; only for disapproving the time of the application. Could you, much respected Sir, go but a little farther, and disapprove the application itself; could you but say the proprietary government is a good one, and ought to be continued; then might all your political offences be done away, and your scarlet sins become as snow and wool; then might you end your course with (proprietary) honor. P—— should preach your funeral sermon, and S——, the poisoner of other characters, embalm your memory. But those honors you will never receive; for, with returning health and strength, you will be found in your old post, firm for your country.

There is encouragement too for *young sinners*. Mr. Dickinson, whose speech our Prefacer has introduced to the world, (though long hated by some, and disregarded by the rest, of the proprietary faction,) is at once, for the same reason as in Mr. Norris's case, become a sage in the law, and an oracle in matters relating to our constitution. I shall not endeavour to pluck so much as a leaf from these the young gentleman's laurels. I would only advise him carefully to preserve the panegyrics with which they have adorned him; in time they may serve to console him, by balancing the calumny they shall load him with, when he does not go through with them in all their measures. He will not probably do the one, and they will then assuredly do the other. There are mouths that can blow hot as well as cold, and blast on your brows the bays their hands have placed there. *Experto crede Roberto.* Let but the proprietary favor withdraw its shine for a moment; and that "great number of the *principal gentlemen* of Philadelphia," who applied to you for the

copy of your speech, shall immediately despise and desert you.

"Those principal gentlemen!" what a pity it is that their names were not given us in the Preface, together with their admirable letter. We should then have known where to run for advice on all occasions. We should have known whom to choose for our future representatives; for undoubtedly these were they, that are elsewhere called "the *wiser* and *better* part of the province." None but wisdoms could have known beforehand that a speech which they never heard, and a copy of which they had never seen, but were then requesting to see, was "a spirited defence," and "of our charter privileges;" and that "the publication of it would be of great utility, and give general satisfaction." No inferior sagacity could discover, that the appointment of a governor by the proprietor was one of our "charter privileges"; and that those, who opposed the application for a royal government, were therefore patriot members appearing on the side of our privileges and our charter.

Utterly to confound the assembly, and show the excellence of proprietary government, the Prefacer has extracted from their own votes, the praises they have from time to time bestowed on the first proprietor, in their addresses to his sons. And, though addresses are not generally the best repositories of historical truth, we must not in this instance deny their authority.*

* In the Preface to Dickinson's Speech, the following character of William Penn was inserted, every phrase in which was taken, as the writer said, from the minutes of the assembly. — EDITOR.

"WILLIAM PENN,
A man of principles truly humane,
An advocate for
Religion and Liberty,
Possessing a noble spirit,

That these encomiums on the father, though sincere, have occurred so frequently, was owing, however, to two causes; first, a vain hope the assemblies entertained, that the father's example, and the honors done his character, might influence the conduct of the sons; secondly, for that, in attempting to compliment the sons on their own merits, there was always found an extreme scarcity of matter. Hence, *the father*, *the honored and honorable father*, was so often repeated, that the sons themselves grew sick of it, and have been

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That exerted itself
For the good of mankind,
Was
The great and worthy founder
Of
Pennsylvania.
To its inhabitants, by Charter,
He granted and confirmed
Many singular Privileges and Immunities,
Civil and religious;
Which he continually studied
To preserve and defend for them,
Nobly declaring,
That they had not followed him so far
To lose a single tittle
Of the Great Charter
To which all Englishmen were born!
For these services,
Great have been the acknowledgments
Deservedly paid to his merit;
And his memory
Is dear to his people,
Who have repeatedly confessed,
That,
Next to Divine Providence,
Their happiness, prosperity, and increase
Are owing
To his wise conduct and singular goodness,
Which deserve ever to be remembered,
With
Gratitude and Affection,
By Pennsylvanians."

heard to say to each other with disgust, when told that A, B, and C were come to wait upon them with addresses on some public occasion, "*Then I suppose we shall hear more about our father.*" So that, let me tell the Prefacer, who perhaps was unacquainted with this anecdote, that if he hoped to curry more favor with the family, by the inscription he has framed for that great man's monument, he may find himself mistaken; for there is too much in it of *our father.*

If, therefore, he would erect a monument to the sons, the votes of the assembly, which are of such credit with him, will furnish him with ample materials for his inscription.

To save him trouble, I will essay a sketch for him, in the lapidary style, though mostly in the expressions, and everywhere in the sense and spirit, of the assembly's resolves and messages.

Be this a Memorial
Of T——— and R——— P——,
P——— of P———,*
Who, with estates immense,
Almost beyond computation,
When their own province,
And the whole British empire,
Were engaged in a bloody and most expensive war,
Begun for the defence of those estates,
Could yet meanly desire
To have those very estates
Totally or partially
Exempted from taxation,
While their fellow-subjects all around them,
Groaned
Under the universal burden.
To gain this point,
They refused the necessary laws
For the defence of their people,
And suffered their colony to welter in its blood,
Rather than abate in the least

* That is, Thomas and Richard Penn, Proprietors of Pennsylvania. — EDITOR.

Of these their dishonest pretensions.
The privileges granted by their father,
Wisely and benevolently
To encourage the first settlers of the province,
They,
Foolishly and cruelly,
Taking advantage of public distress,
Have extorted from the posterity of those settlers;
And are daily endeavouring to reduce them
To the most abject slavery;
Though to the virtue and industry of those people,
In improving their country,
They owe all that they possess and enjoy.
A striking instance
Of human depravity and ingratitude;
And an irrefragable proof,
That wisdom and goodness
Do not descend with an inheritance;
But that ineffable meanness
May be connected with unbounded fortune.*

What then avails it to the honor of the present proprietors, that our founder and their father gave us privileges; if they, the sons, will not permit the use of them, or forcibly rend them from us? David may have been a man after God's own heart, and Solomon the wisest of proprietors and governors; but if Rehoboam will be a tyrant and a ——, who can secure him the affections of the people? The virtue and merit of his ancestors may be very great; but his presumption in depending upon these alone may be much greater.

I lamented, a few pages ago, that we were not acquainted with the names of those "principal gentlemen, the wiser and better part of the province." I now rejoice that we are likely some time or other to know them; for a copy of a "Petition to the King" is now before me; which, from its similarity with their letter,

* Votes and Proceedings of the House of Representatives, 1754, *passim*; 1755, 1756, 1757, *passim*; 1758, 1759, 1760, 1761, 1762, 1763, 1764, *passim*.

must be of their inditing and will probably be recommended to the people, by their leading up the signing.

On this petition I shall take the liberty of making a few remarks, as they will save me the necessity of following farther the Preface; the sentiments of this and that being nearly the same.

It begins with a formal quotation from the petition,* which they own they have not seen, and of words that are not in it; and, after relating very imperfectly and unfairly the fact relating to their application for a copy of it, which is of no importance, proceeds to set forth, "That, as we and all your American subjects must be governed by persons authorized and approved by your Majesty, on the best recommendation that can be obtained of them, we cannot perceive our condition in this respect to be different from our fellow-subjects around us; or that we are thereby less under your Majesty's particular care and protection than they are; since there can be no governors of this province without your Majesty's immediate approbation and authority."

Such a declaration from the wiser part of the province is really a little surprising. What! when disputes concerning matters of property are daily arising between you and your proprietaries, cannot your wisdoms perceive the least difference between having the judges of those disputes appointed by a royal governor, who has no interest in the cause, and having them appointed by the proprietaries themselves, the principal parties against you, and during their pleasure too? When supplies are necessary to be raised for your defence, can you perceive no difference between having

* The petition of the assembly to the King for a Royal Government. — EDITOR.

a royal governor, free to promote his Majesty's service by a ready assent to your laws, and a proprietary governor, shackled by instructions, forbidding him to give that assent, unless some private advantage is obtained, some profit got, or unequal exemption gained for their estate, or some privilege wrested from you? When prerogative, that in other governments is only used for the good of the people, is here strained to the extreme, and used to their prejudice, and the proprietaries' benefit, can you perceive no difference? When the direct and immediate rays of Majesty benignly and mildly shine on all around us, but are transmitted and thrown upon *us* through the burning-glass of proprietary government, can your sensibilities feel no difference? Sheltered perhaps in proprietary offices, or benumbed with expectations, it may be you cannot. But surely you might have known better than to tell his Majesty, "that there can be no governors of this province, without his immediate approbation." Don't you know, who know so much, that by our blessed constitution the proprietors themselves, whenever they please, may govern us in person, without such approbation?

The petition proceeds to tell his Majesty, "That the particular mode of government which we enjoy, under your Majesty, is held in the highest estimation by good men of all denominations among us; and has brought multitudes of industrious people from various parts of the world," &c. Really, can this be from proprietary partisans? That constitution, which they were for ever censuring, as defective in a legislative council, defective in government powers, too popular in many of its modes; is it now become so excellent? Perhaps, as they have been tinkering it these twenty years, till they have stripped it of some of its most valuable privileges, and almost spoiled it, they now begin to like it.

But then it is not surely this present constitution, that brought hither those multitudes. They came before. At least it was not that particular in our constitution, (the proprietary power of appointing a governor,) which attracted them; that single particular, which alone is now in question; which our venerable founder first, and now the assembly, are endeavouring to change.

As to the remaining valuable part of our constitution, the assembly have been equally full and strong in expressing their regard for it, and perhaps stronger and fuller; for their petition in that respect is in the nature of a petition of right; it lays claim, though modestly and humbly, to those privileges on the foundation of royal grants, on laws confirmed by the crown, and on justice and equity; as the grants were the considerations offered to induce them to settle, and which they have in a manner purchased and paid for, by executing that settlement without putting the crown to any expense.

Whoever would know what our constitution was, when it was so much admired, let him peruse that elegant farewell speech of Mr. Hamilton, father of our late governor, when, as Speaker, he took his leave of the House, and of public business, in 1739; and then let him compare that constitution with the present. The power of *appointing public officers* by the representatives of the people, which he so much extols; where is it now? Even the bare naming to the governor in a bill, a trivial officer to receive a light-house duty, (which could be considered as no more than a mere recommendation,) is, in a late message, styled "an encroachment on the prerogative of the crown." The sole power of *raising and disposing of public money*, which he says was then lodged in the assembly; that inestimable privilege, what is become of it? Inch by

inch they have been wrested from us in times of public distress; and the rest are going the same way. I remember to have seen, when Governor Hamilton was engaged in a dispute with the assembly on some of those points, a copy of that speech, which then was intended to be reprinted, with a dedication to that honorable gentleman, and this motto, from John Rogers's verses in the Primer;

> "We send you here a little book,
> For you to look upon,
> That you may see your father's face,
> Now he is dead and gone."

Many a such little book has been sent by our assemblies to the present proprietaries; but they do not like to see their father's face; it puts their own out of countenance.

The petition proceeds to say, "That such disagreements as have arisen in this province, we have beheld with sorrow; but, as others around us are not exempted from the like misfortunes, we can by no means conceive them incident to the nature of our government, which hath often been administered with remarkable harmony; and your Majesty, before whom our late disputes have been laid, can be at no loss, in your great wisdom to discover, whether they proceed from the above cause, or should be ascribed to some others." The disagreements in question are proprietary disagreements in government, relating to proprietary private interests. And are not the royal governments around us exempt from these misfortunes? Can you really, Gentlemen, by no means conceive, that proprietary government disagreements are incident to the nature of proprietary governments? Can they in nature be incident to any other governments? If your wisdoms are so hard to conceive, I am afraid they will never bring forth.

But then our government "hath *often* been administered with remarkable harmony." Very true; as often as the assembly have been able and willing to purchase that harmony, and pay for it; the mode of which has already been shown. And yet that word *often* seems a little unluckily chosen; the flame that is often put out, must be as often lit. If our government "hath often been administered with remarkable harmony," it hath as often been administered with remarkable discord. One *often* is as numerous as the other. And his Majesty, if he should take the trouble of looking over our disputes (to which the petitioners, to save themselves a little pains, modestly and decently refer him), where will he, for twenty years past, find any but proprietary disputes concerning proprietary interests; or disputes that have been connected with and arose from them?

The petition proceeds to assure his Majesty, "that this province (except from the Indian ravages) enjoys the *most perfect internal tranquillity*." Amazing! What! the most perfect tranquillity, when there have been three atrocious riots within a few months! When, in two of them, horrid murders were committed on twenty innocent persons; and, in the third, no less than one hundred and forty like murders were meditated, and declared to be intended, with as many more as should be occasioned by any opposition! When we know, that these rioters and murderers have none of them been punished, have never been prosecuted, have not even been apprehended; when we are frequently told, that they intend still to execute their purposes as soon as the protection of the King's forces is withdrawn! Is our tranquillity more perfect now, than it was between the first riot and the second, or between the second and the third? And why "except the In-

dian ravages," if a *little intermission* is to be denominated "the most perfect tranquillity"? for the Indians too have been quiet lately. Almost as well might ships in an engagement talk of the "most perfect tranquillity" between two broadsides. But "a spirit of riot and violence is foreign to the general temper of the inhabitants." I hope and believe it is; the assembly have said nothing to the contrary. And yet is there not too much of it? Are there not pamphlets continually written, and daily sold in our streets, to justify and encourage it? Are not the mad armed mob in those writings instigated to embrue their hands in the blood of their fellow citizens, by first applauding their murder of the Indians, and then representing the assembly and their friends as worse than Indians, as having privately stirred up the Indians to murder the white people, and armed and rewarded them for that purpose? *Lies*, Gentlemen, villanous as ever the malice of hell invented, and which, to do you justice, not one of you believes, though you would have the mob believe them.

But your petition proceeds to say, "that where such disturbances have happened, they have been *speedily quieted*." By whom were they quieted? The two first, if they can be said to be quieted, were quieted only by the rioters themselves going home quietly (that is, without any interruption), and remaining there till their next insurrection, without any pursuit or attempt to apprehend any of them. And the third, was it quieted, or was the mischief they intended prevented, or could it have been prevented, without the aid of the King's troops, marched into the province for that purpose? "The civil powers have been supported," in some sort. We all know how they were supported; but have they been fully supported? Has the government sufficient strength, even with all its supports, to

venture on the apprehending and punishment of those notorious offenders? If it has not, why are you angry at those who would strengthen its hands by a more immediate royal authority? If it has, why is not the thing done? Why will the government, by its conduct, strengthen the suspicions (groundless no doubt), that it has come to a private understanding with those murderers, and that impunity for their past crimes is to be the reward of their future political services? O, but says the petition, "There are perhaps cases in all governments, where it may *not be possible speedily to discover offenders.*" Probably; is there any case in any government where it is not possible to *endeavour* such a discovery? There may be cases where it is not safe to do it. And perhaps the best thing our government can say for itself is, that that is our case. The only objection to such an apology must be, that it would justify that part of the assembly's petition to the crown which relates to the weakness of our present government.*

Still, if there is any fault, it must be in the assembly. "For," says the petition, "if the executive part of our government should seem in any case too weak, we conceive it is the duty of the assembly, and in their power, to strengthen it." This weakness, however, you have just denied. "Disturbances," you say, "have been speedily quieted, and the civil power supported;" and thereby you have deprived your insinuated charge against the assembly of its only support. But is it not a fact known to you all, that the assembly

* The assembly, being called upon by the governor for their advice on that occasion, did, in a message, advise his sending for and examining the magistrates of Lancaster county and borough, where the murders were committed, in order to discover the actors; but neither that, nor any of the other measures recommended, were ever taken. Proclamations indeed were published, but soon discontinued.

did endeavour to strengthen the hands of the government? That, at his Honor's instance, they prepared and passed in a few hours a bill for extending hither the act of Parliament for dispersing rioters? That they also passed and presented to him a militia bill, which he refused, unless powers were thereby given him over the lives and properties of the inhabitants, which the public good did not require, and which their duty to their constituents would not permit them to trust in the hands of any proprietary governor? You know the points, Gentlemen; they have been made public. Would you have had your representatives give up those points? Do you intend to give them up, when at the next election you are made assembly-men? If so, tell it us honestly beforehand, that we may know what we are to expect, when we are about to choose you.

I come now to the last clause of your petition, where, with the same wonderful sagacity with which you in another case discovered the excellency of a speech you never heard, you undertake to characterize a petition you own you never saw; and venture to assure his Majesty, that it is "exceeding grievous in its nature; that it by no means contains a proper representation of the state of this province; and is repugnant to the general sense of his numerous and loyal subjects" in it. Are, then, his Majesty's numerous and loyal subjects in this province all as great wizards as yourselves, and capable of knowing, without seeing it, that a petition is repugnant to their general sense?

But the inconsistence of your petition, Gentlemen, is not so much to be wondered at. The prayer of it is still more extraordinary; "We therefore most humbly pray, that your Majesty would be graciously pleased wholly to disregard the said petition of the assembly."

What! without inquiry! without examination! without a hearing of what the assembly might say in support of it! "wholly disregard" the petition of your representatives in assembly; accompanied by other petitions signed by thousands of your fellow subjects, as loyal, if not as wise and as good as yourselves! Would you wish to see your great and amiable prince act a part that could not become a Dey of Algiers? Do you, who are Americans, pray for a precedent of such contempt in the treatment of an American assembly! Such "total disregard" of their humble applications to the throne? Surely your Wisdoms here have overshot yourselves. But as wisdom shows itself, not only in doing what is right, but in confessing and *amending* what is wrong, I recommend the latter particularly to your present attention, being persuaded of this consequence, that, though you have been mad enough to sign such a petition, you never will be fools enough to present it.

There is one thing mentioned in the Preface, which I find I omitted to take notice of as I came along, the refusal of the House to enter Mr. Dickinson's protest on their minutes. This is mentioned in such a manner there and in the newspapers, as to insinuate a charge of some partiality and injustice in the assembly. But the reasons were merely these; that, though protesting may be a practice with the Lords of Parliament, there is no instance of it in the House of Commons, whose proceedings are the model followed by the assemblies of America; that there is no precedent of it in our votes, from the beginning of our present constitution; and that the introducing such a practice would be attended with inconveniences, as the representatives in assembly are not, like the Lords in Parliament, unaccountable to any constituents; and would therefore find it necessary for their own justification, if the reasons of the minority

for being against a measure were admitted in the votes, to put there likewise the reasons that induced the majority to be for it; whereby the votes, which were intended only as a register of propositions and determinations, would be filled with the disputes of members with members, and the public business be thereby greatly retarded, if ever brought to a period.

As that protest was a mere abstract of Mr. Dickinson's speech, every particular of it will be found answered in the following speech of Mr. Galloway; from which it is fit that I should no longer detain the reader.

REMARKS

ON A LATE PROTEST

AGAINST THE

APPOINTMENT OF MR. FRANKLIN AS AGENT

FOR THE

PROVINCE OF PENNSYLVANIA.

The zeal and perseverance, with which Franklin had espoused the cause of the people against the proprietaries, raised up many enemies in the adverse party. At the election for a new assembly, therefore, in the autumn of 1764, great efforts were made by his opponents to prevent his being chosen, in which they succeeded. By a small majority he lost his seat in the assembly, which he had held for fourteen years, having been annually elected, even during his absence in England, as one of the delegates from the city of Philadelphia. But, notwithstanding this defeat, when the assembly met, it was found that his friends and the friends of his measures outnumbered the proprietary party, and he was again appointed to resume his agency in England, and to take charge of a petition to the King. Dissatisfied with this step, the minority in the House drew up a formal protest, and urged its being inserted in the minutes; but it was refused, on the ground of its being irregular and unprecedented. The protest was published, and gave occasion for the following reply, written at the moment the author was preparing to depart for Europe. — EDITOR.

I HAVE generally passed over, with a silent disregard, the *nameless* abusive pieces that have been written against me; and, though this paper, called "A Protest," is signed by some respectable names, I was,

nevertheless, inclined to treat it with the same indifference; but as the assembly is therein reflected on upon my account, it is thought more my duty to make some remarks upon it.

I would first observe, then, that this mode of *protesting* by the minority, with a string of reasons against the proceedings of the majority of the House of Assembly, is quite new among us; the present is the second we have had of the kind, and both within a few months. It is unknown to the practice of the House of Commons, or of any House of Representatives in America, that I have heard of; and seems an affected imitation of the Lords in Parliament, which can by no means become assembly-men of America. Hence appears the absurdity of the complaint, that the House refused the protest an entry on their minutes. The protesters know, that they are not by any custom or usage entitled to such an entry; and that the practice here is not only useless in itself, but would be highly inconvenient to the House, since it would probably be thought necessary for the majority also to enter their reasons, to justify themselves to their constituents; whereby the minutes would be encumbered, and the public business obstructed. More especially will it be found inconvenient, if such protests are made use of as a new form of libelling, as the vehicles of personal malice, and as means of giving to private abuse the appearance of a sanction as public acts. Your protest, Gentlemen, was therefore properly refused; and, since it is no part of the proceedings of assembly, one may with the more freedom examine it.

Your first reason against my appointment is, that you "believe me to be the chief author of the measures pursued by the last assembly, which have occasioned such uneasiness and distraction among the good

people of this province." I shall not dispute my share in those measures; I hope they are such as will in time do honor to all that were concerned in them. But you seem mistaken in the order of time. It was the uneasiness and distraction among the good people of the province, that occasioned the measures; the province was in confusion before they were taken, and they were pursued in order to prevent such uneasiness and distraction for the future. Make one step farther back, and you will find proprietary injustice, supported by proprietary minions and creatures, the original cause of all our uneasiness and distractions.

Another of your reasons is, "that I am, as you are informed, very unfavorably thought of by several of his Majesty's ministers." I apprehend, Gentlemen, that your informer is mistaken. He indeed has taken great pains to give unfavorable impressions of me, and perhaps may flatter himself, that it is impossible so much true industry should be totally without effect. His long success in maiming or murdering all the reputations that stand in his way (which has been the dear delight and constant employment of his life) may likewise have given him some just ground for confidence, that he has, as they call it, *done* for me, among the rest. But, as I said before, I believe he is mistaken. For what have I done, that they should think unfavorably of me? It cannot be my constantly and uniformly promoting the measures of the crown, ever since I had any influence in the province. It cannot, surely, be my promoting the change from a proprietary to a royal government.

If indeed I had, by speeches and writings, endeavoured to make his Majesty's government universally odious in the province; if I had harangued by the week, to all comers and goers, on the pretended injustice and oppressions of royal government, and the slavery of the

people under it; if I had written traitorous papers to this purpose, and got them translated into other languages, to give his Majesty's foreign subjects here those horrible ideas of it; if I had declared, written, and printed, that "the King's little finger we should find heavier than the proprietor's whole loins," with regard to our liberties; then, indeed, might the ministers be supposed to think unfavorably of me. But these are not exploits for a man who holds a profitable office under the crown, and can expect to hold it no longer than he behaves with the fidelity and duty that becomes every good subject. They are only for officers of proprietary appointment, who hold their commissions during his, and not the King's, pleasure; and who, by dividing among themselves and their relations offices of many thousands a year enjoyed by proprietary favor, *feel* where to place their loyalty. I wish they were as good subjects to his Majesty; and perhaps they may be so, when the proprietary interferes no longer.

Another of your reasons is, "that the proposal of me for an agent is extremely disagreeable to a very great number of the most serious and reputable inhabitants of the province; and the proof is, my having been rejected at the last election, though I had represented the city in assembly for fourteen years."

And do those of you, Gentlemen, reproach me with this, who, among near four thousand voters, had scarcely a score more than I had? It seems then, that your elections were very near being rejections, and thereby furnishing the same proof in your case that you produce in mine, of your being likewise extremely disagreeable to a very great number of the most serious and reputable people. Do you, honorable Sir, reproach me with this, who for almost twice fourteen years have been rejected (if *not being chosen* is *to be rejected*) by

the same people; and (unable, with all your wealth and connexions, and the influence they give you, to obtain an election in the county where you reside, and the city where you were born, and are best known,) have been obliged to accept a seat from one of the out counties, the remotest of the province! It is known, Sir, to the persons who proposed me, that I was first chosen against my inclination, and against my entreaties that I might be suffered to remain a private man. In none of the fourteen elections you mention did I ever appear as a candidate. I never did, directly or indirectly, solicit any man's votes. For six of the years in which I was annually chosen, I was absent, residing in England; during all which time, your secret and open attacks upon my character and reputation were incessant; and yet you gained no ground. And can you really, Gentlemen, find matter of triumph in this *rejection* as you call it? A moment's reflection on the means by which it was obtained, must make you ashamed of it.

Not only my duty to the crown, in carrying the post-office act more duly into execution, was made use of to exasperate the ignorant, as if I was increasing my own profits, by picking their pockets; but my very zeal in opposing the murderers, and supporting the authority of government, and even my humanity with regard to the innocent Indians under our protection, were mustered among my offences, to stir up against me those religious bigots, who are of all savages the most brutish. Add to this the numberless falsehoods propagated as truths; and the many perjuries procured among the wretched rabble brought to swear themselves entitled to a vote; and yet so poor a superiority obtained at all this expense of honor and conscience! Can this, Gentlemen, be matter of triumph? Enjoy it then. Your exultation, however, was short.

Your artifices did not prevail everywhere; nor your double tickets, and whole boxes of forged votes. A great majority of the new-chosen assembly were of the old members, and remain uncorrupted. They still stood firm for the people, and will obtain justice from the proprietaries. But what does that avail to you, who are in the proprietary interest? And what comfort can it afford you, when, by the assembly's choice of an agent, it appears that the same, to you obnoxious, man (notwithstanding all your venomous invectives against him) still retains so great a share of the public confidence?

But "this step," you say, "gives you the more lively affliction, as it is taken at the very moment when you were informed by a member of the House, that the governor had assured him of his having received instructions from the proprietaries, to give his assent to the taxation of their estates, in the same manner that the estates of other persons are to be taxed; and also to confirm, for the public use, the several squares formerly claimed by the city." O the force of friendship! the power of interest! What politeness they infuse into a writer, and what delicate expressions they produce!

The dispute between the proprietaries and us was about the quantum, the rate of their taxation; and not about the manner; but now, when all the world condemns them for requiring a partial exemption of their estates, and they are forced to submit to an honest equality, it is called "*assenting* to be taxed in the *same* manner with the people." Their restitution of five public squares in the plan of the city, which they had near forty years unjustly and dishonorably seized and detained from us, (directing their surveyor to map streets over them, in order to turn them into lots, and

their officers to sell a part of them,) this their *disgorging* is softly called *confirming* them for the public use; and instead of the plain words, "formerly given to the city by the first proprietary, their father," we have the cautious, pretty expression of "formerly *claimed* by the city." Yes; not only *formerly*, but always claimed, ever since they were promised and given to encourage the settlers; and ever will be claimed, till we are put in actual possession of them. It is pleasant, however, to see how lightly and tenderly you trip over these matters, as if you trod upon eggs.

But that "*very moment*," that precious moment! Why was it so long delayed? Why were those healing instructions so long withheld and concealed from the people? They were, it seems, brought over by Mr. Allen.* Intelligence was received by various hands from London, that orders were sent by the proprietaries, from which great hopes were entertained of an accommodation. Why was the bringing and the delivery of such orders so long denied? The reason is easily understood. Messieurs Barclays, friends to both proprietaries and people, wished for that gentleman's happy arrival; hoping his influence, added to the power and commissions the proprietaries had vested him with, might prove effectual in restoring harmony and tranquillity among us. But he, it seems, hoped his influence might do the business without these additions.

* Extract of a Letter, dated London, August 6th, 1764, from David Barclay and Sons to Messieurs James and Drinker.

"We very much wish for William Allen's happy arrival on your side; when we hope his influence, added to the *power* and *commissions* the proprietaries have invested him with, may prove effectual in restoring harmony and tranquillity among you, so much to be desired by every well-wisher to your province. Pray be assured of our sincerest and best wishes for the success of this salutary work, and that nothing in our power to contribute thereto will ever be wanting."

There appeared, on his arrival, some prospect (from sundry circumstances) of a change to be made in the House by the approaching election. The proprietary friends and creatures knew the heart of their master, and how extremely disagreeable to him that equal taxation, that restitution, and the other concessions to be made for the sake of a reconciliation, must necessarily be. They hoped therefore to spare him all those mortifications, and thereby secure a greater portion of his favor. Hence the instructions were not produced to the last assembly; though they arrived before the September sitting, when the governor was in town, and actually did business with the House. Nor to the new assembly were they mentioned, till the "*very moment*," the fatal moment, when the House were on the point of choosing that wicked adversary of the proprietary, to be an agent for the province in England.

But I have, you say, a "fixed enmity to the proprietaries," and "you believe it will preclude all accommodation of our disputes with them, even on just and reasonable terms." And why do you think I have a fixed enmity to the proprietaries? I have never had any personal difference with them. I am no land-jobber; and therefore have never had any thing to do with their land office or officers; if I had, probably, like others, I might have been obliged to truckle to their measures, or have had like causes of complaint. But our private interests never clashed; and all their resentment against me, and mine to them, has been on the public account. Let them do justice to the people of Pennsylvania, act honorably by the citizens of Philadelphia, and become honest men; my enmity, if that's of any consequence, ceases from the "*very moment*," and, as soon as I possibly can, I promise to love, honor, and respect them.

In the mean time, why do you "believe it will preclude all accommodation with them on just and reasonable terms?" Do you not boast, that their gracious condescensions are in the hands of the governor; and that "if this had been the usual time for business, his Honor would have sent them down in a message to the House." How then can my going to England prevent this accommodation? The governor can call the House when he pleases; and, one would think, that, at least in your opinion, my being out of the way would be a favorable circumstance. For then, by "cultivating the disposition shown by the proprietaries, every reasonable demand that can be made on the part of the people might be obtained; in vigorously insisting on which, you promise to unite more earnestly with the rest of the House." It seems then we have "reasonable demands" to make, and as you call them a little higher, *equitable demands*. This is much for proprietary minions to own; but you are all growing better, in imitation of your master, which is indeed very commendable. And, if the accommodation here should fail, I hope that, though you dislike the person a majority of two to one in the House have thought fit to appoint an agent, you will nevertheless, in duty to your country, continue the noble resolution of uniting with the rest of the House in vigorously insisting on that equity and justice, which such an union will undoubtedly obtain for us.

I pass over the trivial charge against the assembly, that they "acted with unnecessary haste in proceeding to this appointment, without making a small adjournment," &c., and your affected apprehensions of danger from that haste. The necessity of expedition on this occasion is as obvious to every one out of doors, as it was to those within; and the fears you mention are not, I fancy, considerable enough to break your rest.

I come then to your *high* charge against me, "that I heretofore ventured, contrary to an act of assembly, to place the public money in the stocks; whereby this province suffered a loss of six thousand pounds, and that sum, added to the five thousand pounds granted for my expenses, makes the whole cost of my former voyage to England amount to *eleven thousand pounds!*" How wisely was that form in our laws contrived, which, when a man is arraigned for his life, requires the evidence to speak *the truth*, the *whole truth*, and *nothing but the truth!* The reason is manifest. A falsehood may destroy the innocent; so may part of a truth without the whole; and a mixture of truth and falsehood may be full as pernicious. You, Mr. Chief Justice, and the other justices among the protesters, and you, Sir, who are a Counsellor at Law, must all of you be well acquainted with this excellent form; and when you arraigned my reputation (dearer to me than life) before the assembly, and now at the respectable tribunal of the public, would it not have well become your honors to have had some small regard at least to the spirit of that form?

You might have mentioned, that the direction of the act to lodge the money in the bank, subject to the drafts of the trustees of the loan-office here, was impracticable; that the bank refused to receive it on those terms, it being contrary to their settled rules to take charge of money subject to the orders of unknown people living in distant countries. You might have mentioned, that the House, being informed of this, and having no immediate call for the money, did themselves adopt the measure of placing it in the stocks, which then were low; where it might on a peace produce a considerable profit, and in the mean time accumulate an interest. That they even passed a bill, directing the

subsequent sums granted by Parliament to be placed with the former; that the measure was prudent and safe; and that the loss arose, not from placing the money *in* the stocks, but from the imprudent and unnecessary *drawing it out* at the very time when they were lowest, on some slight uncertain rumors of a peace concluded; that, if the assembly had let it remain another year, instead of losing, they would have gained *six thousand pounds;* and that, after all, since the exchange at which they sold their bills was near twenty per cent higher when they drew than when the stocks were purchased, the loss was far from being so great as you represent it.

All these things you might have said; for they are, and you know them to be, part of the *whole truth;* but they would have spoiled your accusation. The late Speaker of your honorable House, Mr. Norris, (who has, I suppose, all my letters to him, and copies of his own to me, relating to that transaction,) can testify with how much integrity and clearness I managed the whole affair. All the House were sensible of it, being from time to time fully acquainted with the facts. If I had gone to gaming in the stocks with the public money, and through my fault a sum was lost, as your protest would insinuate, why was I not censured and punished for it when I returned? You, honorable Sir, (my enemy of seven years' standing) were then in the House. You were appointed on the committee for examining my accounts; you reported, that you found them just, and signed that report.*

* Report of the Committee on Benjamin Franklin's Accounts.

"February 19th, 1763. In obedience to the order of the House, we have examined the account of Benjamin Franklin, Esquire, with the vouchers to us produced in support thereof, and do find the same account to be just; and that he has expended, in the immediate service of this

I never solicited the employ of agent; I made no bargain for my future service, when I was ordered to England by the assembly; nor did they vote me any salary. I lived there near six years at my own expense, and I made no charge or demand when I came home. You, Sir, of all others, were the very member that proposed (for the honor and justice of the House) a compensation to be made me of the five thousand pounds you mention. Was it with an intent to reproach me thus publicly for accepting it? I thanked the House for it then, and I thank you now for proposing it; though you, who have lived in England, can easily

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province, the sum of *seven hundred and fourteen pounds, ten shillings, and seven pence*, out of the sum of *fifteen hundred pounds* sterling, to him remitted and paid, exclusive of any allowance or charge for his support and services for the province.

"John Morton, John Hughes,
William Allen, Samuel Rhoads,
John Ross, John Wilkinson,
John Moor, Isaac Pearson.
Joseph Fox,

"The House, taking the foregoing report of the committee of accounts into consideration, and having spent some time therein,

"*Resolved*,

"That the sum of *five hundred pounds* sterling, per annum, be allowed and given to Benjamin Franklin, Esquire, late agent for the province of Pennsylvania at the court of Great Britain, during his absence of six years from his business and connexions, in the service of the public; and that the thanks of this House be also given to the said gentleman by Mr. Speaker, from the chair, as well for the faithful discharge of his duty to this province in particular, as for the many and important services done America in general, during his residence in Great Britain."

"Thursday, March 31st, 1763. Pursuant to a resolve of the 19th of last month, that the thanks of this House be given to Benjamin Franklin, Esquire, for his many services, not only to the province of Pennsylvania, but to America in general, during his late agency at the court of Great Britain, the same were this day accordingly given in form from the chair. To which Mr. Franklin, respectfully addressing himself to the Speaker, made answer, 'That he was thankful to the House, for the very handsome and generous allowance they had been pleased to make him for his services; but that the approbation of this House was, in his estimation, far above every other kind of recompense.'" — *Votes*, 1763.

conceive, that, besides the prejudice to my private affairs by my absence, a thousand pounds more would not have reimbursed me.

The money voted was immediately paid me. But, if I had occasioned the loss of six thousand pounds to the province, here was a fair opportunity of securing easily the greatest part of it. Why was not the five thousand pounds deducted, and the remainder called for? The reason is, this accusation was not then invented. Permit me to add, that, supposing the whole eleven thousand pounds an expense occasioned by my voyage to England; yet the taxation of the proprietary estate now established, will, when valued by years' purchase, be found in time an advantage to the public far exceeding that expense. And, if the expense is at present a burden, the odium of it ought to lie on those, who, by their injustice, made the voyage necessary, and not on me, who only submitted to the orders of the House in undertaking it.

I am now to take leave (perhaps a last leave) of the country I love, and in which I have spent the greatest part of my life. *Esto perpetua.* I wish every kind of prosperity to my friends; and I forgive my enemies.

B. Franklin.

Philadelphia, November 5th, 1764.

LETTER

CONCERNING THE

GRATITUDE OF AMERICA,

AND THE PROBABILITY AND EFFECTS OF A UNION WITH GREAT BRITAIN; AND CONCERNING THE REPEAL OR SUSPENSION OF THE STAMP ACT.

[London,] January 6th, 1766.

Sir,

I have attentively perused the paper you sent me, and am of opinion, that the measure it proposes, of an union with the colonies, is a wise one; but I doubt it will hardly be thought so here, till it is too late to attempt it. The time has been, when the colonies would have esteemed it a great advantage, as well as honor to be permitted to send members to Parliament; and would have asked for that privilege, if they could have had the least hopes of obtaining it. The time is now come, when they are indifferent about it, and will probably not ask it, though they might accept it if offered them; and the time will come, when they will certainly refuse it. But if such an union were now established (which methinks it highly imports this country to establish) it would probably subsist as long as Britain shall continue a nation. This people, however, is too proud, and too much despises the Americans, to bear the thought of admitting them to such an equitable participation in the government of the whole.

Then the next best thing seems to be, leaving them in the quiet enjoyment of their respective constitutions; and when money is wanted for any public service, in which they ought to bear a part, calling upon them by

requisitorial letters from the crown (according to the long-established custom) to grant such aids as their loyalty shall dictate, and their abilities permit. The very sensible and benevolent author of that paper seems not to have known, that such a constitutional custom subsists, and has always hitherto been practised in America; or he would not have expressed himself in this manner; "It is evident, beyond a doubt, to the intelligent and impartial, that after the very extraordinary efforts, which were effectually made by Great Britain in the late war to save the colonists from destruction, and attended of necessity with an enormous load of debts in consequence, that the same colonists, now firmly secured from foreign enemies, should be somehow induced to contribute some proportion towards the exigencies of state in future." This looks as if he conceived the war had been carried on at the sole expense of Great Britain, and the colonies only reaped the benefit, without hitherto sharing the burden, and were therefore now indebted to Britain on that account. And this is the same kind of argument that is used by those, who would fix on the colonies the heavy charge of unreasonableness and ingratitude, which I think your friend did not intend.

Please to acquaint him, then, that the fact is not so; that, every year during the war, requisitions were made by the crown on the colonies for raising money and men; that accordingly they made more extraordinary efforts, in proportion to their abilities, than Britain did; that they raised, paid, and clothed, for five or six years, near twenty-five thousand men, besides providing for other services, as building forts, equipping guard-ships, paying transports, &c. And that this was more than their fair proportion is not merely an opinion of mine, but was the judgment of government here, in full

knowledge of all the facts; for the then ministry, to make the burthen more equal, recommended the case to Parliament, and obtained a reimbursement to the Americans of about two hundred thousand pounds sterling every year; which amounted only to about two fifths of their expense; and great part of the rest lies still a load of debt upon them; heavy taxes on all their estates, real and personal, being laid by acts of their assemblies to discharge it, and yet will not discharge it in many years.

While, then, these burdens continue; while Britain restrains the colonies in every branch of commerce and manufactures that she thinks interferes with her own; while she drains the colonies, by her trade with them, of all the cash they can procure by every art and industry in any part of the world, and thus keeps them always in her debt; (for they can make no law to discourage the importation of your to *them* ruinous superfluities, as *you* do the superfluities of France; since such a law would immediately be reported against by your Board of Trade, and repealed by the crown;) I say, while these circumstances continue, and while there subsists the established method of royal requisitions for raising money on them by their own assemblies on every proper occasion; can it be necessary or prudent to distress and vex them by taxes laid here, in a Parliament wherein they have no representative, and in a manner which they look upon to be unconstitutional and subversive of their most valuable rights? And are they to be thought unreasonable and ungrateful if they oppose such taxes?

Wherewith, they say, shall we show our loyalty to our gracious King, if our money is to be given by others, without asking our consent? And, if the Parliament has a right thus to take from us a penny in the

pound, where is the line drawn that bounds that right, and what shall hinder their calling, whenever they please, for the other nineteen shillings and eleven pence? Have we then any thing that we can call our own? It is more than probable, that bringing representatives from the colonies to sit and act here as members of Parliament, thus uniting and consolidating your dominions, would in a little time remove these objections and difficulties, and make the future government of the colonies easy; but, till some such thing is done, I apprehend no taxes, laid there by Parliament here, will ever be collected, but such as must be stained with blood; and I am sure the profit of such taxes will never answer the expense of collecting them, and that the respect and affection of the Americans to this country will in the struggle be totally lost, perhaps never to be recovered; and therewith all the commercial and political advantages, that might have attended the continuance of this respect and this affection.

In my own private judgment, I think an immediate repeal of the Stamp Act would be the best measure for this country; but a suspension of it for three years, the best for that. The repeal would fill them with joy and gratitude, reëstablish their respect and veneration for Parliament, restore at once their ancient and natural love for this country, and their regard for every thing that comes from it; hence the trade would be renewed in all its branches; they would again indulge in all the expensive superfluities you supply them with, and their own new-assumed home industry would languish. But the suspension, though it might continue their fears and anxieties, would at the same time keep up their resolutions of industry and frugality; which in two or three years would grow into habits, to their lasting advantage. However, as the repeal will probably not be now agreed

to,* from what I think a mistaken opinion, that the honor and dignity of government is better supported by persisting in a wrong measure once entered into, than by rectifying an error as soon as it is discovered; we must allow the next best thing for the advantage of both countries, is the suspension; for, as to executing the act by force, it is madness, and will be ruin to the whole.

The rest of your friend's reasonings and propositions appear to me truly just and judicious. I will therefore only add, that I am as desirous of his acquaintance and intimacy, as he was of my opinion.

I am, with much esteem,

Your obliged friend,

B. FRANKLIN.†

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* It was however agreed to in the same year, viz. in 1766. — B. V.

† The name of the person, to whom this letter is addressed, is not known. The letter, to which it is a reply, appears to have contained the letter of some third person equally unknown. — B. V.

THE

EXAMINATION

OF

DR. BENJAMIN FRANKLIN,

IN THE

BRITISH HOUSE OF COMMONS,

RELATIVE TO THE

REPEAL OF THE AMERICAN STAMP ACT,

IN 1766.

No previous event in the life of Dr. Franklin gave him so much celebrity, as his examination before the House of Commons, while the repeal of the Stamp Act was under discussion in Parliament. The promptness and pertinency with which he replied to every question, the perfect knowledge of the subject manifested in his answers, his enlarged and sound views of political and commercial affairs, and the boldness and candor with which he expressed his sentiments, excited the surprise of his auditors, and were received with admiration by the public, when the results of the examination appeared in print. The dates are fixed by the following extracts from the journal of the House of Commons, as given by Mr. Vaughan.

"*February 3d*, 1766. Benjamin Franklin, and a number of other persons ordered to attend the committee of the whole House, to whom it was referred to consider farther the several papers, which were presented to the House by Mr. Secretary Conway.

"*February 13th.* Benjamin Franklin, having passed through his examination, was excepted from farther attendance.

"*February 24th.* The resolutions of the committee were reported by the chairman, Mr. Fuller; their seventh and last reso-

lution setting forth, that it was their opinion that the House be moved, that leave be given to bring in a bill to repeal the Stamp Act."

The account of the examination was first published in 1767, without the name of printer or publisher. It was translated into French, and widely circulated in Europe. It has been frequently reprinted in both the English and French languages. — EDITOR.

Q. WHAT is your name, and place of abode?

A. Franklin, of Philadelphia.

Q. Do the Americans pay any considerable taxes among themselves?

A. Certainly many, and very heavy taxes.

Q. What are the present taxes in Pennsylvania, laid by the laws of the colony?

A. There are taxes on all estates real and personal; a poll tax; a tax on all offices, professions, trades, and businesses, according to their profits; an excise on all wine, rum, and other spirits; and a duty of ten pounds per head on all negroes imported, with some other duties.

Q. For what purposes are those taxes laid?

A. For the support of the civil and military establishments of the country, and to discharge the heavy debt contracted in the last war.

Q. How long are those taxes to continue?

A. Those for discharging the debt are to continue till 1772, and longer, if the debt should not be then all discharged. The others must always continue.

Q. Was it not expected that the debt would have been sooner discharged?

A. It was, when the peace was made with France and Spain. But, a fresh war breaking out with the Indians, a fresh load of debt was incurred; and the taxes, of course, continued longer by a new law.

Q. Are not all the people very able to pay those taxes?

A. No. The frontier counties, all along the continent, having been frequently ravaged by the enemy and greatly impoverished, are able to pay very little tax. And therefore, in consideration of their distresses, our late tax laws do expressly favor those counties, excusing the sufferers; and I suppose the same is done in other governments.

Q. Are not you concerned in the management of the post-office in America?

A. Yes. I am deputy-postmaster-general of North America.

Q. Don't you think the distribution of stamps by post to all the inhabitants very practicable, if there was no opposition?

A. The posts only go along the seacoasts; they do not, except in a few instances, go back into the country; and, if they did, sending for stamps by post would occasion an expense of postage amounting in many cases to much more than that of the stamps themselves.

Q. Are you acquainted with Newfoundland?

A. I never was there.

Q. Do you know whether there are any post-roads on that island?

A. I have heard that there are no roads at all, but that the communication between one settlement and another is by sea only.

Q. Can you disperse the stamps by post in Canada?

A. There is only a post between Montreal and Quebec. The inhabitants live so scattered and remote from each other in that vast country, that posts cannot be supported among them, and therefore they cannot get stamps per post. The English colonies, too, along the frontiers are very thinly settled.

Q. From the thinness of the back settlements, would not the Stamp Act be extremely inconvenient to the inhabitants, if executed?

A. To be sure it would; as many of the inhabitants could not get stamps when they had occasion for them without taking long journeys, and spending perhaps three or four pounds, that the crown might get sixpence.

Q. Are not the colonies, from their circumstances, very able to pay the stamp duty?

A. In my opinion there is not gold and silver enough in the colonies to pay the stamp duty for one year.*

Q. Don't you know that the money arising from the stamps was all to be laid out in America?

A. I know it is appropriated by the act to the American service; but it will be spent in the conquered colonies, where the soldiers are; not in the colonies that pay it.

Q. Is there not a balance of trade due from the colonies where the troops are posted, that will bring back the money to the old colonies?

A. I think not. I believe very little would come back. I know of no trade likely to bring it back. I think it would come, from the colonies where it was

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* The Stamp Act said, "that the Americans shall have no commerce, make no exchange of property with each other, neither purchase, nor grant, nor recover debts; they shall neither marry nor make their wills, unless they pay such and such sums" in *specie* for the stamps which must give validity to the proceedings. The operation of such a tax, had it obtained the consent of the people, appeared inevitable; and its annual productiveness, on its introduction, was estimated, by its proposer in the House of Commons at the committee for supplies, at one hundred thousand pounds sterling. The colonies being already reduced to the necessity of having *paper* money, by sending to Britain the specie they collected in foreign trade, in order to make up for the deficiency of their other returns for British manufactures, there were doubts whether there could remain *specie* sufficient to answer the tax. — B. V.

spent, directly to England; for I have always observed, that in every colony the more plenty the means of remittance to England, the more goods are sent for, and the more trade with England carried on.

Q. What number of white inhabitants do you think there are in Pennsylvania?

A. I suppose there may be about one hundred and sixty thousand.

Q. What number of them are Quakers?

A. Perhaps a third.

Q. What number of Germans?

A. Perhaps another third; but I cannot speak with certainty.

Q. Have any number of the Germans seen service, as soldiers, in Europe?

A. Yes, many of them, both in Europe and America.

Q. Are they as much dissatisfied with the stamp duty as the English?

A. Yes, and more; and with reason, as their stamps are, in many cases, to be double.*

Q. How many white men do you suppose there are in North America?

A. About three hundred thousand, from sixteen to sixty years of age.†

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* The Stamp Act provided, that a double duty should he laid "where the instrument, proceedings, &c., shall be engrossed, written, or printed within the said colonies and plantations, in any other than the English language." This measure, it is presumed, appeared to be suggested by motives of convenience, and the policy of assimilating persons of foreign to those of British descent, and preventing their interference in the conduct of law business till this change should be effected. It seems, however, to have been deemed too precipitate, immediately to extend this clause to newly conquered countries. An exemption therefore was granted, in this particular, with respect to Canada and Grenada, for the space of five years, to be reckoned from the commencement of the duty. See the Stamp Act. — B. V.

† Strangers excluded, some parts of the northern colonies doubled their numbers in fifteen or sixteen years; to the southward they were

Q. What may be the amount of one year's imports into Pennsylvania from Britain?

A. I have been informed that our merchants compute the imports from Britain to be above five hundred thousand pounds.

Q. What may be the amount of the produce of your province exported to Britain?

A. It must be small, as we produce little that is wanted in Britain. I suppose it cannot exceed forty thousand pounds.

Q. How then do you pay the balance?

A. The balance is paid by our produce carried to the West Indies, and sold in our own islands, or to the French, Spaniards, Danes, and Dutch; by the same produce carried to other colonies in North America, as to New England, Nova Scotia, Newfoundland, Carolina, and Georgia; by the same, carried to different parts of Europe, as Spain, Portugal, and Italy. In all which places we receive either money, bills of exchange, or commodities that suit for remittance to Britain; which, together with all the profits on the industry of our merchants and mariners, arising in those circuitous voyages, and the freights made by their ships, centre finally in Britain to discharge the balance, and pay for British manufactures continually used in the provinces, or sold to foreigners by our traders.

Q. Have you heard of any difficulties lately laid on the Spanish trade?

A. Yes; I have heard, that it has been greatly obstructed by some new regulations, and by the English men-of-war and cutters stationed all along the coast in America.

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longer; but, taking one with another, they had doubled, by natural generation only, once in twenty-five years. Pennsylvania, including strangers, had doubled in about sixteen years. — B. V.

Q. Do you think it right that America should be protected by this country and pay no part of the expense?

A. That is not the case. The colonies raised, clothed, and paid, during the last war, near twenty-five thousand men, and spent many millions.

Q. Were you not reimbursed by Parliament?

A. We were only reimbursed what, in your opinion, we had advanced beyond our proportion, or beyond what might reasonably be expected from us; and it was a very small part of what we spent. Pennsylvania, in particular, disbursed about five hundred thousand pounds, and the reimbursements, in the whole, did not exceed sixty thousand pounds.

Q. You have said that you pay heavy taxes in Pennsylvania; what do they amount to in the pound?

A. The tax on all estates, real and personal, is eighteen pence in the pound, fully rated; and the tax on the profits of trades and professions, with other taxes, do, I suppose, make full half a crown in the pound.

Q. Do you know any thing of the rate of exchange in Pennsylvania, and whether it has fallen lately?

A. It is commonly from one hundred and seventy to one hundred and seventy-five. I have heard, that it has fallen lately from one hundred and seventy-five to one hundred and sixty-two and a half; owing, I suppose, to their lessening their orders for goods; and, when their debts to this country are paid, I think the exchange will probably be at par.

Q. Do you not think the people of America would submit to pay the stamp duty, if it was moderated?

A. No, never, unless compelled by force of arms.

Q. Are not the taxes in Pennsylvania laid on unequally, in order to burden the English trade; particularly the tax on professions and business?

A. It is not more burdensome in proportion than the tax on lands. It is intended and supposed to take an equal proportion of profits.

Q. How is the assembly composed? Of what kinds of people are the members; landholders or traders?

A. It is composed of landholders, merchants, and artificers.

Q. Are not the majority landholders?

A. I believe they are.

Q. Do not they, as much as possible, shift the tax off from the land, to ease that, and lay the burden heavier on trade?

A. I have never understood it so. I never heard such a thing suggested. And indeed an attempt of that kind could answer no purpose. The merchant or trader is always skilled in figures, and ready with his pen and ink. If unequal burdens are laid on his trade, he puts an additional price on his goods; and the consumers, who are chiefly landholders, finally pay the greatest part, if not the whole.

Q. What was the temper of America towards Great Britain before the year 1763?*

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* In the year 1733, "for the welfare and prosperity of our sugar colonies in America," and "for remedying discouragements of planters," duties were "*given and granted*" to George the Second, upon all rum, spirits, molasses, syrups, sugar, and paneles of foreign growth, produce, and manufacture, imported into the colonies. This *regulation of trade*, for the benefit of the general empire was acquiesced in, notwithstanding the introduction of the novel terms "give and grant." But the act, which was made only for the term of five years, and had been several times renewed in the reign of George the Second, and once in the reign of George the Third, was renewed again in the year 1763, in the reign

A. The best in the world. They submitted willingly to the government of the crown, and paid, in their courts, obedience to the acts of Parliament. Numerous as the people are in the several old provinces, they cost you nothing in forts, citadels, garrisons, or armies, to keep them in subjection. They were governed by this country at the expense only of a little pen, ink, and paper; they were led by a thread. They had not only a respect, but an affection for Great Britain; for its laws, its customs and manners, and even a fondness for its fashions, that greatly increased the commerce. Natives of Britain were always treated with particular regard; to be an *Old-England man* was, of itself, a character of some respect, and gave a kind of rank among us.

Q. And what is their temper now?

A. O, very much altered.

Q. Did you ever hear the authority of Parliament to make laws for America questioned till lately?

A. The authority of Parliament was allowed to be valid in all laws, except such as should lay internal

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of George the Third, and *extended to other articles upon new and altered grounds.* It was stated in the preamble to this act, "that it was expedient that new provisions and regulations should be established for *improving the revenue of this kingdom;*" that it "was just and necessary that a revenue should be raised in America for defending, protecting, and securing the same;" "and that the Commons of Great Britain, desirous of making some provision towards *raising the said revenue* in America, have resolved to *give* and *grant* to his Majesty the several rates and duties," &c. Mr. Mauduit, agent for Massachusetts Bay, tells us, that he was instructed in the following terms to oppose Mr. Grenville's taxing system. "You are to remonstrate against these measures, and, if possible, to obtain a repeal of the Sugar Act, and prevent the imposition of any further duties or taxes on the colonies. Measures will be taken that you may be joined by all the other agents. *Boston, June 14th,* 1764."

The question proposed to Dr. Franklin alludes to this sugar act in 1763. Dr. Franklin's answer particularly merits the attention of the historian and the politician. — B. V.

taxes. It was never disputed in laying duties to regulate commerce.

Q. In what proportion hath population increased in America?

A. I think the inhabitants of all the provinces together, taken at a medium, double in about twenty-five years. But their demand for British manufactures increases much faster; as the consumption is not merely in proportion to their numbers, but grows with the growing abilities of the same numbers to pay for them. In 1723, the whole importation from Britain to Pennsylvania was about fifteen thousand pounds sterling; it is now near half a million.

Q. In what light did the people of America use to consider the Parliament of Great Britain?

A. They considered the Parliament as the great bulwark and security of their liberties and privileges, and always spoke of it with the utmost respect and veneration. Arbitrary ministers, they thought, might possibly, at times, attempt to oppress them; but they relied on it, that the Parliament, on application, would always give redress. They remembered, with gratitude, a strong instance of this, when a bill was brought into Parliament, with a clause to make royal instructions laws in the colonies, which the House of Commons would not pass, and it was thrown out.

Q. And have they not still the same respect for Parliament?

A. No, it is greatly lessened.

Q. To what cause is that owing?

A. To a concurrence of causes; the restraints lately laid on their trade, by which the bringing of foreign gold and silver into the colonies was prevented; the prohibition of making paper money among themselves, and then demanding a new and heavy tax by stamps,

taking away, at the same time, trials by juries, and refusing to receive and hear their humble petitions.

Q. Don't you think they would submit to the Stamp Act, if it was modified, the obnoxious parts taken out, and the duty reduced to some particulars of small moment?

A. No, they will never submit to it.

Q. What do you think is the reason that the people in America increase faster than in England?

A. Because they marry younger, and more generally.

Q. Why so?

A. Because any young couple, that are industrious, may easily obtain land of their own, on which they can raise a family.

Q. Are not the lower ranks of people more at their ease in America than in England?

A. They may be so, if they are sober and diligent, as they are better paid for their labor.

Q. What is your opinion of a future tax, imposed on the same principle with that of the Stamp Act? How would the Americans receive it?

A. Just as they do this. They would not pay it.

Q. Have not you heard of the resolutions of this House, and of the House of Lords, asserting the right of Parliament relating to America, including a power to tax the people there?

A. Yes, I have heard of such resolutions.

Q. What will be the opinion of the Americans on those resolutions?

A. They will think them unconstitutional and unjust.

Q. Was it an opinion in America before 1763, that the Parliament had no right to lay taxes and duties there?

A. I never heard any objection to the right of laying duties to regulate commerce; but a right to lay internal taxes was never supposed to be in Parliament, as we are not represented there.

Q. On what do you found your opinion, that the people in America made any such distinction?

A. I know that whenever the subject has occurred in conversation where I have been present, it has appeared to be the opinion of every one, that we could not be taxed by a Parliament wherein we were not represented. But the payment of duties laid by an act of Parliament, as regulations of commerce, was never disputed.

Q. But can you name any act of assembly, or public act of any of your governments, that made such distinction?

A. I do not know that there was any; I think there was never an occasion to make any such act, till now that you have attempted to tax us; that has occasioned resolutions of assembly, declaring the distinction, in which I think every assembly on the continent, and every member in every assembly, have been unanimous.

Q. What, then, could occasion conversations on that subject before that time?

A. There was in 1754 a proposition made, (I think it came from hence,) that in case of a war, which was then apprehended, the governors of the colonies should meet, and order the levying of troops, building of forts, and taking every other necessary measure for the general defence; and should draw on the treasury here for the sums expended, which were afterwards to be raised in the colonies by a general tax, to be laid on them by *act of Parliament.* This occasioned a good deal of conversation on the subject; and the general opinion was, that the Parliament neither would nor could lay

any tax on us, till we were duly represented in Parliament; because it was not just, nor agreeable to the nature of an English constitution.

Q. Don't you know there was a time in New York, when it was under consideration to make an application to Parliament to lay taxes on that colony, upon a deficiency arising from the assembly's refusing or neglecting to raise the necessary supplies for the support of the civil government?

A. I never heard of it.

Q. There was such an application under consideration in New York; and do you apprehend they could suppose the right of Parliament to lay a tax in America was only local, and confined to the case of a deficiency in a particular colony, by a refusal of its assembly to raise the necessary supplies?

A. They could not suppose such a case, as that the assembly would not raise the necessary supplies to support its own government. An assembly that would refuse it must want common sense; which cannot be supposed. I think there was never any such case at New York, and that it must be a misrepresentation, or the fact must be misunderstood. I know there have been some attempts, by ministerial instructions from hence, to oblige the assemblies to settle permanent salaries on governors, which they wisely refused to do; but I believe no assembly of New York, or any other colony, ever refused duly to support government by proper allowances, from time to time, to public officers.

Q. But, in case a governor, acting by instruction, should call on an assembly to raise the necessary supplies, and the assembly should refuse to do it, do you not think it would then be for the good of the people of the colony, as well as necessary to government, that the Parliament should tax them?

A. I do not think it would be necessary. If an assembly could possibly be so absurd, as to refuse raising the supplies requisite for the maintenance of government among them, they could not long remain in such a situation; the disorders and confusion occasioned by it must soon bring them to reason.

Q. If it should not, ought not the right to be in Great Britain of applying a remedy?

A. A right, only to be used in such a case, I should have no objection to; supposing it to be used merely for the good of the people of the colony.

Q. But who is to judge of that, Britain or the colony?

A. Those that feel can best judge.

Q. You say the colonies have always submitted to external taxes, and object to the right of Parliament only in laying internal taxes; now can you show, that there is any kind of difference between the two taxes to the colony on which they may be laid?

A. I think the difference is very great. An *external* tax is a duty laid on commodities imported; that duty is added to the first cost and other charges on the commodity, and, when it is offered to sale, makes a part of the price. If the people do not like it at that price, they refuse it; they are not obliged to pay it. But an *internal* tax is forced from the people without their consent, if not laid by their own representatives. The Stamp Act says, we shall have no commerce, make no exchange of property with each other, neither purchase, nor grant, nor recover debts; we shall neither marry nor make our wills, unless we pay such and such sums; and thus it is intended to extort our money from us, or ruin us by the consequences of refusing to pay it.

Q. But supposing the external tax or duty to be laid on the necessaries of life, imported into your colony,

will not that be the same thing in its effects as an internal tax?

A. I do not know a single article imported into the northern colonies, but what they can either do without, or make themselves.

Q. Don't you think cloth from England absolutely necessary to them?

A. No, by no means absolutely necessary; with industry and good management, they may very well supply themselves with all they want.

Q. Will it not take a long time to establish that manufacture among them; and must they not in the mean while suffer greatly?

A. I think not. They have made a surprising progress already. And I am of opinion, that before their old clothes are worn out, they will have new ones of their own making.

Q. Can they possibly find wool enough in North America?

A. They have taken steps to increase the wool. They entered into general combinations to eat no more lamb; and very few lambs were killed last year. This course, persisted in, will soon make a prodigious difference in the quantity of wool. And the establishing of great manufactories, like those in the clothing towns here, is not necessary, as it is where the business is to be carried on for the purposes of trade. The people will all spin, and work for themselves, in their own houses.

Q. Can there be wool and manufacture enough in one or two years?

A. In three years, I think there may.

Q. Does not the severity of the winter, in the northern colonies, occasion the wool to be of bad quality?

A. No; the wool is very fine and good.

Q. In the more southern colonies, as in Virginia, don't you know, that the wool is coarse, and only a kind of hair?

A. I don't know it. I never heard it. Yet I have been sometimes in Virginia. I cannot say I ever took particular notice of the wool there, but I believe it is good, though I cannot speak positively of it; but Virginia and the colonies south of it have less occasion for wool; their winters are short, and not very severe; and they can very well clothe themselves with linen and cotton of their own raising for the rest of the year.

Q. Are not the people in the more northern colonies obliged to fodder their sheep all the winter?

A. In some of the most northern colonies they may be obliged to do it, some part of the winter.

Q. Considering the resolutions of Parliament,* *as to the right*, do you think, if the Stamp Act is repealed, that the North Americans will be satisfied?

A. I believe they will.

Q. Why do you think so?

A. I think the resolutions of *right* will give them very little concern, if they are never attempted to be carried into practice. The colonies will probably consider themselves in the same situation, in that respect, with Ireland; they know you claim the same right with regard to Ireland, but you never exercise it, and they may believe you never will exercise it in the colonies, any more than in Ireland, unless on some very extraordinary occasion.

Q. But who are to be the judges of that extraordinary occasion? Is not the Parliament?

A. Though the Parliament may judge of the occa-

* Afterwards expressed in the Declaratory Act. — B. V.

sion, the people will think it can never exercise such right, till representatives from the colonies are admitted into Parliament; and that, whenever the occasion arises, representatives *will* be ordered.

Q. Did you never hear that Maryland, during the last war, had refused to furnish a quota towards the common defence?

A. Maryland has been much misrepresented in that matter. Maryland, to my knowledge, never refused to contribute or grant aids to the crown. The assemblies, every year during the war, voted considerable sums, and formed bills to raise them. The bills were, according to the constitution of that province, sent up to the Council, or Upper House, for concurrence, that they might be presented to the governor, in order to be enacted into laws. Unhappy disputes between the two Houses, arising from the defects of that constitution principally, rendered all the bills but one or two, abortive. The proprietary's council rejected them. It is true, Maryland did not then contribute its proportion; but it was, in my opinion, the fault of the government, not of the people.

Q. Was it not talked of in the other provinces, as a proper measure, to apply to Parliament to compel them?

A. I have heard such discourse; but, as it was well known that the people were not to blame, no such application was ever made, nor any step taken towards it.

Q. Was it not proposed at a public meeting?

A. Not that I know of.

Q. Do you remember the abolishing of the paper currency in New England, by act of assembly?

A. I do remember its being abolished in the Massachusetts Bay.

Q. Was not Lieutenant-Governor Hutchinson principally concerned in that transaction?

A. I have heard so.

Q. Was it not at that time a very unpopular law?

A. I believe it might, though I can say little about it, as I lived at a distance from that province.

Q. Was not the scarcity of gold and silver an argument used against abolishing the paper?

A. I suppose it was.*

Q. What is the present opinion there of that law? Is it as unpopular as it was at first?

A. I think it is not.

Q. Have not instructions from hence been sometimes sent over to governors, highly oppressive and unpolitical?

A. Yes.

Q. Have not some governors dispensed with them for that reason?

A. Yes, I have heard so.

Q. Did the Americans ever dispute the controlling power of Parliament to regulate the commerce?

A. No.

Q. Can any thing less than a military force carry the Stamp Act into execution?

A. I do not see how a military force can be applied to that purpose.

Q. Why may it not?

A. Suppose a military force sent into America, they will find nobody in arms; what are they then to do? They cannot force a man to take stamps who chooses to do without them. They will not find a rebellion; they may indeed make one.

Q. If the act is not repealed, what do you think will be the consequences?

A. A total loss of the respect and affection the

* See Remarks and Facts relative to American Paper Money. Vol. II p. 340.

people of America bear to this country, and of all the commerce that depends on that respect and affection.

Q. How can the commerce be affected?

A. You will find, that if the act is not repealed, they will take a very little of your manufactures in a short time.

Q. Is it in their power to do without them?

A. I think they may very well do without them.

Q. Is it their interest not to take them?

A. The goods they take from Britain are either necessaries, mere conveniences, or superfluities. The first, as cloth, &c., with a little industry they can make at home; the second they can do without, till they are able to provide them among themselves; and the last, which are much the greatest part, they will strike off immediately. They are mere articles of fashion, purchased and consumed because the fashion in a respected country; but will now be detested and rejected. The people have already struck off, by general agreement, the use of all goods fashionable in mournings, and many thousand pounds' worth are sent back as unsalable.

Q. Is it their interest to make cloth at home?

A. I think they may at present get it cheaper from Britain; I mean, of the same fineness and workmanship; but, when one considers other circumstances, the restraints on their trade, and the difficulty of making remittances, it is their interest to make every thing.

Q. Suppose an act of internal regulations connected with a tax; how would they receive it?

A. I think it would be objected to.

Q. Then no regulation with a tax would be submitted to?

A. Their opinion is, that, when aids to the crown are wanted, they are to be asked of the several assem-

blies, according to the old established usage; who will, as they always have done, grant them freely. And that their money ought not to be given away, without their consent, by persons at a distance, unacquainted with their circumstances and abilities. The granting aids to the crown is the only means they have of recommending themselves to their sovereign; and they think it extremely hard and unjust, that a body of men, in which they have no representatives, should make a merit to itself of giving and granting what is not its own, but theirs; and deprive them of a right they esteem of the utmost value and importance, as it is the security of all their other rights.

Q. But is not the post-office, which they have long received, a tax as well as a regulation?

A. No; the money paid for the postage of a letter is not of the nature of a tax; it is merely a *quantum meruit* for a service done; no person is compellable to pay the money if he does not choose to receive the service. A man may still, as before the act, send his letter by a servant, a special messenger, or a friend, if he thinks it cheaper and safer.

Q. But do they not consider the regulations of the post-office, by the act of last year, as a tax?

A. By the regulations of last year the rate of postage was generally abated near thirty per cent through all America; they certainly cannot consider such abatement *as a tax.*

Q. If an excise was laid by Parliament, which they might likewise avoid paying, by not consuming the articles excised, would they then not object to it?

A. They would certainly object to it, as an excise is unconnected with any service done, and is merely an aid, which they think ought to be asked of them, and granted by them, if they are to pay it; and can be

granted for them by no others whatsoever, whom they have not empowered for that purpose.

Q. You say they do not object to the right of Parliament, in laying duties on goods to be paid on their importation; now, is there any kind of difference between a duty on the importation of goods, and an excise on their consumption?

A. Yes, a very material one; an excise, for the reasons I have just mentioned, they think you can have no right to lay within their country. But the sea is yours; you maintain, by your fleets, the safety of navigation in it, and keep it clear of pirates; you may have, therefore, a natural and equitable right to some toll or duty on merchandises carried through that part of your dominions, towards defraying the expense you are at in ships to maintain the safety of that carriage.

Q. Does this reasoning hold in the case of a duty laid on the produce of their lands exported? And would they not then object to such a duty?

A. If it tended to make the produce so much dearer abroad, as to lessen the demand for it, to be sure they would object to such a duty; not to your right of laying it, but they would complain of it as a burden, and petition you to lighten it.

Q. Is not the duty paid on the tobacco exported, a duty of that kind?

A. That, I think, is only on tobacco carried coastwise, from one colony to another, and appropriated as a fund for supporting the college at Williamsburg in Virginia.

Q. Have not the assemblies in the West Indies the same natural rights with those in North America?

A. Undoubtedly.

Q. And is there not a tax laid there on their sugars exported?

A. I am not much acquainted with the West Indies; but the duty of four and a half per cent on sugars exported was, I believe, granted by their own assemblies.

Q. How much is the poll-tax in your province laid on unmarried men?

A. It is, I think, fifteen shillings, to be paid by every single freeman, upwards of twenty-one years old.

Q. What is the annual amount of all the taxes in Pennsylvania?

A. I suppose about twenty thousand pounds sterling.

Q. Supposing the Stamp Act continued and enforced, do you imagine that ill humor will induce the Americans to give as much for worse manufactures of their own, and use them, preferable to better of ours?

A. Yes, I think so. People will pay as freely to gratify one passion as another, their resentment as their pride.

Q. Would the people at Boston discontinue their trade?

A. The merchants are a very small number compared with the body of the people, and must discontinue their trade, if nobody will buy their goods.

Q. What are the body of the people in the colonies?

A. They are farmers, husbandmen, or planters.

Q. Would they suffer the produce of their lands to rot?

A. No; but they would not raise so much. They would manufacture more, and plough less.

Q. Would they live without the administration of justice in civil matters, and suffer all the inconveniences of such a situation for any considerable time, rather than take the stamps, supposing the stamps were protected by a sufficient force, where every one might have them?

A. I think the supposition impracticable, that the stamps should be so protected as that every one might

have them. The act requires sub-distributors to be appointed in every county town, district, and village, and they would be necessary. But the principal distributors, who were to have had a considerable profit on the whole, have not thought it worth while to continue in the office; and I think it impossible to find sub-distributors fit to be trusted, who, for the trifling profit that must come to their share, would incur the odium, and run the hazard, that would attend it; and, if they could be found, I think it impracticable to protect the stamps in so many distant and remote places.

Q. But in places where they could be protected, would not the people use them, rather than remain in such a situation, unable to obtain any right, or recover by law any debt?

A. It is hard to say what they would do. I can only judge what other people will think, and how they will act, by what I feel within myself. I have a great many debts due to me in America, and I had rather they should remain unrecoverable by any law, than submit to the Stamp Act. They will be debts of honor. It is my opinion the people will either continue in that situation, or find some way to extricate themselves; perhaps by generally agreeing to proceed in the courts without stamps.

Q. What do you think a sufficient military force to protect the distribution of the stamps in every part of America?

A. A very great force, I can't say what, if the disposition of America is for a general resistance.

Q. What is the number of men in America able to bear arms, or of disciplined militia?

A. There are, I suppose, at least . . . . .

[*Question objected to. He withdrew. Called in again.*]

Q. Is the American Stamp Act an equal tax on the country?

A. I think not.

Q. Why so?

A. The greatest part of the money must arise from lawsuits for the recovery of debts, and be paid by the lower sort of people, who were too poor easily to pay their debts. It is, therefore, a heavy tax on the poor, and a tax upon them for being poor.

Q. But will not this increase of expense be a means of lessening the number of lawsuits?

A. I think not; for as the costs all fall upon the debtor, and are to be paid by him, they would be no discouragement to the creditor to bring his action.

Q. Would it not have the effect of excessive usury?

A. Yes; as an oppression of the debtor.

Q. How many ships are there laden annually in North America with flax-seed for Ireland?

A. I cannot speak to the number of ships; but I know, that, in 1752, ten thousand hogsheads of flax-seed, each containing seven bushels, were exported from Philadelphia to Ireland. I suppose the quantity is greatly increased since that time, and it is understood, that the exportation from New York is equal to that from Philadelphia.

Q. What becomes of the flax that grows with that flax-seed?

A. They manufacture some into coarse, and some into a middling kind of linen.

Q. Are there any slitting-mills in America?

A. I think there are three, but I believe only one at present employed. I suppose they will all be set to work, if the interruption of the trade continues.

Q. Are there any fulling-mills there?

A. A great many.

Q. Did you never hear, that a great quantity of stockings were contracted for, for the army, during the war, and manufactured in Philadelphia?

A. I have heard so.

Q. If the Stamp Act should be repealed, would not the Americans think they could oblige the Parliament to repeal every external tax law now in force?

A. It is hard to answer questions of what people at such a distance will think.

Q. But what do you imagine they will think were the motives of repealing the act?

A. I suppose they will think, that it was repealed from a conviction of its inexpediency; and they will rely upon it, that, while the same inexpediency subsists, you will never attempt to make such another.

Q. What do you mean by its inexpediency?

A. I mean its inexpediency on several accounts; the poverty and inability of those who were to pay the tax, the general discontent it has occasioned, and the impracticability of enforcing it.

Q. If the act should be repealed, and the legislature should show its resentment to the opposers of the Stamp Act, would the colonies acquiesce in the authority of the legislature? What is your opinion they would do?

A. I don't doubt at all, that if the legislature repeal the Stamp Act, the colonies will acquiesce in the authority.

Q. But if the legislature should think fit to ascertain its right to lay taxes, by any act laying a small tax, contrary to their opinion, would they submit to pay the tax?

A. The proceedings of the people in America have been considered too much together. The proceedings of the assemblies have been very different from those

of the mobs, and should be distinguished, as having no connexion with each other. The assemblies have only peaceably resolved what they take to be their rights; they have taken no measures for opposition by force, they have not built a fort, raised a man, or provided a grain of ammunition, in order to such opposition. The ringleaders of riots, they think ought to be punished; they would punish them themselves, if they could. Every sober, sensible man, would wish to see rioters punished, as, otherwise, peaceable people have no security of person or estate; but as to an internal tax, how small soever, laid by the legislature here on the people there, while they have no representatives in this legislature, I think it will never be submitted to; they will oppose it to the last; they do not consider it as at all necessary for you to raise money on them by your taxes; because they are, and always have been, ready to raise money by taxes among themselves, and to grant large sums, equal to their abilities, upon requisition from the crown.

They have not only granted equal to their abilities, but, during all the last war, they granted far beyond their abilities, and beyond their proportion with this country (you yourselves being judges), to the amount of many hundred thousand pounds; and this they did freely and readily, only on a sort of promise, from the Secretary of State, that it should be recommended to Parliament to make them compensation. It was accordingly recommended to Parliament, in the most honorable manner for them. America has been greatly misrepresented and abused here, in papers, and pamphlets, and speeches, as ungrateful, and unreasonable, and unjust; in having put this nation to an immense expense for their defence, and refusing to bear any part of that expense. The colonies raised, paid, and clothed

near twenty-five thousand men during the last war; a number equal to those sent from Britain, and far beyond their proportion; they went deeply into debt in doing this, and all their taxes and estates are mortgaged for many years to come, for discharging that debt.

Government here was at that time very sensible of this. The colonies were recommended to Parliament. Every year the King sent down to the House a written message to this purpose; "that his Majesty, being highly sensible of the zeal and vigor with which his faithful subjects in North America had exerted themselves, in defence of his Majesty's just rights and possessions, recommended it to the House to take the same into consideration, and enable him to give them a proper compensation." You will find those messages on your own journals every year of the war to the very last; and you did accordingly give two hundred thousand pounds annually to the crown, to be distributed in such compensation to the colonies.

This is the strongest of all proofs, that the colonies, far from being unwilling to bear a share of the burden, did exceed their proportion; for if they had done less, or had only equalled their proportion, there would have been no room or reason for compensation. Indeed, the sums, reimbursed them, were by no means adequate to the expense they incurred beyond their proportion; but they never murmured at that; they esteemed their sovereign's approbation of their zeal and fidelity, and the approbation of this House, far beyond any other kind of compensation; therefore there was no occasion for this act, to force money from a willing people. They had not refused giving money for the purposes of the act; no requisition had been made; they were always willing and ready to do what could reasonably be expected from them, and in this light they wish to be considered.

Q. But suppose Great Britain should be engaged in a war in Europe, would North America contribute to the support of it?

A. I do think they would as far as their circumstances would permit. They consider themselves as a part of the British empire, and as having one common interest with it; they may be looked on here as foreigners, but they do not consider themselves as such. They are zealous for the honor and prosperity of this nation; and, while they are well used, will always be ready to support it, as far as their little power goes. In 1739 they were called upon to assist in the expedition against Carthagena, and they sent three thousand men to join your army. It is true, Carthagena is in America, but as remote from the northern colonies, as if it had been in Europe. They make no distinction of wars, as to their duty of assisting in them.

I know the last war is commonly spoken of here, as entered into for the defence, or for the sake, of the people in America. I think it is quite misunderstood. It began about the limits between Canada and Nova Scotia; about territories to which the *crown* indeed laid claim, but which were not claimed by any British *colony;* none of the lands had been granted to any colonist; we had therefore no particular concern or interest in that dispute. As to the Ohio, the contest there began about your right of trading in the Indian country, a right you had by the treaty of Utrecht, which the French infringed; they seized the traders and their goods, which were your manufactures; they took a fort which a company of your merchants, and their factors, and correspondents, had erected there to secure that trade. Braddock was sent with an army to retake that fort, (which was looked on here as another encroachment on the King's territory,) and to

protect your trade. It was not till after his defeat, that the colonies were attacked.* They were before in perfect peace with both French and Indians; the troops were not, therefore, sent for their defence.

The trade with the Indians, though carried on in America, is not an American interest. The people of America are chiefly farmers and planters; scarce any thing that they raise or produce is an article of commerce with the Indians. The Indian trade is a British interest; it is carried on with British manufactures, for the profit of British merchants and manufacturers; therefore the war, as it commenced for the defence of territories of the crown (the property of no American), and for the defence of a trade purely British, was really a British war, and yet the people of America made no scruple of contributing their utmost towards carrying it on, and bringing it to a happy conclusion.

Q. Do you think, then, that the taking possession of the King's territorial rights, and strengthening the frontiers, is not an American interest?

A. Not particularly, but conjointly a British and an American interest.

Q. You will not deny, that the preceding war, the war with Spain, was entered into for the sake of America; was it not occasioned by captures made in the American seas?

A. Yes; captures of ships carrying on the British trade there with British manufactures.

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* When this army was in the utmost distress, from the want of wagons, &c., our author and his son voluntarily traversed the country, in order to collect a sufficient quantity; and they had zeal and address enough to effect their purpose, upon pledging themselves, to the amount of many thousand pounds, for payment. It was just before Dr. Franklin's last return from England to America, that the accounts in this transaction were passed at the British treasury. — B. V.

Q. Was not the late war with the Indians, since the peace with France, a war for America only?

A. Yes; it was more particularly for America than the former; but was rather a consequence or remains of the former war, the Indians not having been thoroughly pacified; and the Americans bore by much the greatest share of the expense. It was put an end to by the army under General Bouquet; there were not above three hundred regulars in that army, and above one thousand Pennsylvanians.

Q. Is it not necessary to send troops to America, to defend the Americans against the Indians?

A. No, by no means; it never was necessary. They defended themselves when they were but a handful, and the Indians much more numerous. They continually gained ground, and have driven the Indians over the mountains, without any troops sent to their assistance from this country. And can it be thought necessary now to send troops for their defence from those diminished Indian tribes, when the colonies have become so populous and so strong? There is not the least occasion for it; they are very able to defend themselves.

Q. Do you say there were not more than three hundred regular troops employed in the late Indian war?

A. Not on the Ohio, or the frontiers of Pennsylvania, which was the chief part of the war that affected the colonies. There were garrisons at Niagara, Fort Detroit, and those remote posts kept for the sake of your trade; I did not reckon them; but I believe, that on the whole the number of Americans or provincial troops, employed in the war, was greater than that of the regulars. I am not certain, but I think so.

Q. Do you think the assemblies have a right to levy money on the subject there, to grant to the crown?

A. I certainly think so; they have always done it.

Q. Are they acquainted with the declaration of rights? And do they know, that, by that statute, money is not to be raised on the subject but by consent of Parliament?

A. They are very well acquainted with it.

Q. How then can they think they have a right to levy money for the crown, or for any other than local purposes?

A. They understand that clause to relate to subjects only within the realm; that no money can be levied on them for the crown, but by consent of Parliament. The colonies are not supposed to be within the realm; they have assemblies of their own, which are their parliaments, and they are, in that respect, in the same situation with Ireland. When money is to be raised for the crown upon the subject in Ireland, or in the colonies, the consent is given in the Parliament of Ireland, or in the assemblies of the colonies. They think the Parliament of Great Britain cannot properly give that consent, till it has representatives from America; for the petition of right expressly says, it is to be by common consent in Parliament; and the people of America have no representatives in Parliament, to make a part of that common consent.

Q. If the Stamp Act should be repealed, and an act should pass, ordering the assemblies of the colonies to indemnify the sufferers by the riots, would they obey it?

A. That is a question I cannot answer.

Q. Suppose the King should require the colonies to grant a revenue, and the Parliament should be against their doing it, do they think they can grant a revenue to the King, without the consent of the Parliament of Great Britain?

A. That is a deep question. As to my own opinion, I should think myself at liberty to do it, and should do it, if I liked the occasion.

Q. When money has been raised in the colonies, upon requisitions, has it not been granted to the King?

A. Yes, always; but the requisitions have generally been for some service expressed, as to raise, clothe, and pay troops, and not for money only.

Q. If the act should pass requiring the American assemblies to make compensation to the sufferers, and they should disobey it, and then the Parliament should, by another act, lay an internal tax, would they then obey it?

A. The people will pay no internal tax; and, I think, an act to oblige the assemblies to make compensation is unnecessary; for I am of opinion, that, as soon as the present heats are abated, they will take the matter into consideration, and if it is right to be done, they will do it of themselves.

Q. Do not letters often come into the post-offices in America, directed to some inland town where no post goes?

A. Yes.

Q. Can any private person take up those letters and carry them as directed?

A. Yes; any friend of the person may do it, paying the postage that has accrued.

Q. But must not he pay an additional postage for the distance to such inland town?

A. No.

Q. Can the post-master answer delivering the letter, without being paid such additional postage?

A. Certainly he can demand nothing, where he does no service.

Q. Suppose a person, being far from home, finds a

letter in a post-office directed to him, and he lives in a place to which the post generally goes, and the letter is directed to that place; will the post-master deliver him the letter, without his paying the postage receivable at the place to which the letter is directed?

A. Yes; the office cannot demand postage for a letter that it does not carry, or farther than it does carry it.

Q. Are not ferry-men in America obliged, by act of Parliament, to carry over the posts without pay?

A. Yes.

Q. Is not this a tax on the ferry-men?

A. They do not consider it as such, as they have an advantage from persons travelling with the post.

Q. If the Stamp Act should be repealed, and the crown should make a requisition to the colonies for a sum of money, would they grant it?

A. I believe they would.

Q. Why do you think so?

A. I can speak for the colony I live in; I had it in *instruction* from the assembly to assure the ministry, that, as they always had done, so they should always think it their duty, to grant such aids to the crown as were suitable to their circumstances and abilities, whenever called upon for that purpose, in the usual constitutional manner; and I had the honor of communicating this instruction to that honorable gentleman then minister.*

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* I take the following to be the history of this transaction. Until 1763, and the years following, whenever Great Britain wanted supplies directly from the colonies, the Secretary of State, in his Majesty's name, sent them a letter of requisition, in which the occasion for supplies was expressed; and the colonies returned a *free gift*, the mode of levying which *they* wholly prescribed. At this period, a chancellor of the exchequer (Mr. George Grenville) steps forth, and says to the House of Commons; "*We must call for money from the colonies in the way of a*

Q. Would they do this for a British concern, as suppose a war in some part of Europe, that did not affect them?

A. Yes, for any thing that concerned the general interest. They consider themselves a part of the whole.

Q. What is the usual constitutional manner of calling on the colonies for aids?

A. A letter from the Secretary of State.

Q. Is this all you mean; a letter from the Secretary of State?

A. I mean the usual way of requisition, in a circular letter from the Secretary of State, by his Majesty's command, reciting the occasion, and recommending it to the colonies to grant such aids as became their loyalty, and were suitable to their abilities.

Q. Did the Secretary of State ever write for money for the crown?

A. The requisitions have been to raise, clothe, and pay men, which cannot be done without money.

Q. Would they grant money alone, if called on?

A. In my opinion they would, money as well as men, when they have money, or can make it.

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tax;" and to the colony agents, "*Write to your several colonies, and tell them, if they dislike a duty upon* stamps, *and prefer any other method of raising the money themselves, I shall be content, provided the* amount *be but raised.*" "That is," observed the colonies, when commenting upon his terms, "if we will not tax ourselves, *as we may be directed*, the Parliament will tax us." Dr. Franklin's instructions, spoken of above, related to this gracious option. As the colonies could not choose "*another* tax," while they disclaimed *every* tax, the Parliament passed the Stamp Act.

It seems, that the only part of the offer, which bore a show of favor, was the grant of the *mode of levying;* and this was the only circumstance which was *not new.*

See Mr. Mauduit's account of Mr. Grenville's conference with the agents, confirmed by the agents for Georgia and Virginia; and Mr. Burke's Speech, in 1774, p. 55. — B. V.

Q. If the Parliament should repeal the Stamp Act, will the assembly of Pennsylvania rescind their resolutions?

A. I think not.

Q. Before there was any thought of the Stamp Act, did they wish for a representation in Parliament?

A. No.

Q. Don't you know, that there is, in the Pennsylvania charter, an express reservation of the right of Parliament to lay taxes there?

A. I know there is a clause in the charter, by which the King grants, that he will levy no taxes on the inhabitants, unless it be with the consent of the assembly, or by act of Parliament.

Q. How, then, could the assembly of Pennsylvania assert, that laying a tax on them by the Stamp Act was an infringement of their rights?

A. They understand it thus; by the same charter, and otherwise, they are entitled to all the privileges and liberties of Englishmen; they find in the Great Charters, and the Petition and Declaration of Rights, that one of the privileges of English subjects is, that they are not to be taxed but by their common consent; they have therefore relied upon it, from the first settlement of the province, that the Parliament never would, nor could, by color of that clause in the charter, assume a right of taxing them, till it had qualified itself to exercise such right, by admitting representatives from the people to be taxed, who ought to make a part of that common consent.

Q. Are there any words in the charter that justify that construction?

A. "The common rights of Englishmen," as declared by *Magna Charta*, and the Petition of Right, all justify it.

Q. Does the distinction between internal and external taxes exist in the words of the charter?

A. No, I believe not.

Q. Then, may they not, by the same interpretation, object to the Parliament's right of external taxation?

A. They never have hitherto. Many arguments have been lately used here to show them, that there is no difference, and that, if you have no right to tax them internally, you have none to tax them externally, or make any other law to bind them. At present they do not reason so; but in time they may possibly be convinced by these arguments.

Q. Do not the resolutions of the Pennsylvania assembly say, "all taxes"?

A. If they do, they mean only internal taxes; the same words have not always the same meaning here and in the colonies. By taxes, they mean internal taxes; by duties, they mean customs; these are their ideas of the language.

Q. Have you not seen the resolutions of the Massachusetts Bay assembly?

A. I have.

Q. Do they not say, that neither external nor internal taxes can be laid on them by Parliament?

A. I don't know that they do; I believe not.

Q. If the same colony should say, neither tax nor imposition could be laid, does not that province hold the power of Parliament can lay neither?

A. I suppose, that, by the word *imposition*, they do not intend to express duties to be laid on goods imported, as *regulations of commerce.*

Q. What can the colonies mean then by imposition, as distinct from taxes?

A. They may mean many things, as impressing of men or of carriages, quartering troops on private

houses, and the like; there may be great impositions that are not properly taxes.

Q. Is not the post-office rate an internal tax laid by act of Parliament?

A. I have answered that.

Q. Are all parts of the colonies equally able to pay taxes?

A. No, certainly; the frontier parts, which have been ravaged by the enemy, are greatly disabled by that means; and therefore, in such cases, are usually favored in our tax laws.

Q. Can we, at this distance, be competent judges of what favors are necessary?

A. The Parliament have supposed it, by claiming a right to make tax laws for America; I think it impossible.

Q. Would the repeal of the Stamp Act be any discouragement of your manufactures? Will the people that have begun to manufacture decline it?

A. Yes, I think they will; especially if, at the same time, the trade is opened again, so that remittances can be easily made. I have known several instances that make it probable. In the war before last, tobacco being low, and making little remittance, the people of Virginia went generally into family manufactures. Afterwards, when tobacco bore a better price, they returned to the use of British manufactures. So fulling-mills were very much disused in the last war in Pennsylvania, because bills were then plenty, and remittances could easily be made to Britain for English cloth and other goods.

Q. If the Stamp Act should be repealed, would it induce the assemblies of America to acknowledge the rights of Parliament to tax them, and would they erase their resolutions?

A. No, never.

Q. Are there no means of obliging them to erase those resolutions?

A. None that I know of; they will never do it, unless compelled by force of arms.

Q. Is there a power on earth that can force them to erase them?

A. No power, how great soever, can force men to change their opinions.

Q. Do they consider the post-office as a tax, or as a regulation?

A. Not as a tax, but as a regulation and conveniency; every assembly encouraged it, and supported it in its infancy, by grants of money, which they would not otherwise have done; and the people have always paid the postage.

Q. When did you receive the instructions you mentioned?

A. I brought them with me, when I came to England, about fifteen months since.

Q. When did you communicate that instruction to the minister?

A. Soon after my arrival, while the stamping of America was under consideration, and before the bill was brought in.

Q. Would it be most for the interest of Great Britain, to employ the hands of Virginia in tobacco, or in manufactures?

A. In tobacco, to be sure.

Q. What used to be the pride of the Americans?

A. To indulge in the fashions and manufactures of Great Britain.

Q. What is now their pride?

A. To wear their old clothes over again, till they can make new ones.

Withdrew.

LETTER

FROM THOMAS POWNALL TO DR. FRANKLIN,

CONCERNING AN

EQUAL COMMUNICATION OF RIGHTS AND PRIVILEGES TO AMERICA BY GREAT BRITAIN; WITH DR. FRANKLIN'S REMARKS.

This letter bears no date. It was written possibly about the time, that Governor Pownall was engaged in publishing his book on the *Administration of the Colonies*. — B. V.

Dear Sir,

The following objection against communicating to the colonies the rights, privileges, and powers of the realm, as to parts of the realm, has been made. I have been endeavouring to obviate it, and I communicate it to you, in hopes of your promised assistance.

If, say the objectors, we communicate to the colonies the power of sending representatives, and in consequence expect them to participate in an equal share and proportion of all our taxes, we must grant to them all the powers of trade and manufacturing, which any other parts of the realm within the Isle of Great Britain enjoy; if so, perchance, the profits of the Atlantic commerce may converge to some centre in America; to Boston, New York, Philadelphia, or to some of the Isles; if so, then the natural and artificial produce of the colonies, and, in course of consequences, the landed interest of the colonies will be promoted, while the natural and artificial produce and landed interest of Great Britain will be depressed, to its utter ruin and destruction; and consequently the balance of the power of government, although still within the realm, will be

locally transferred from Great Britain to the colonies. Which consequence, however it may suit a citizen of the world, must be folly and madness to a Briton. My fit is gone off, and, though weak, both from the gout and a concomitant and very ugly fever, I am much better. Would be glad to see you.

Your friend,

T. Pownall.

REMARKS ON THE ABOVE BY DR. FRANKLIN.

This objection goes upon the supposition, that whatever the colonies gain, Britain must lose; and that, if the colonies can be kept from gaining an advantage, Britain will gain it.

If the colonies are fitter for a particular trade than Britain, they should have it, and Britain apply to what it is more fit for. The whole empire is a gainer. And if Britain is not so fit or so well situated for a particular advantage, other countries will get it, if the colonies do not. Thus Ireland was forbid the woollen manufacture, and remains poor; but this has given to the French the trade and wealth Ireland might have gained for the British empire.

The government cannot long be retained without the union. Which is best, (supposing your case,) to have a total separation, or a change of the seat of government? It by no means follows, that promoting and advancing the landed interest in America will depress that of Britain; the contrary has always been the fact. Advantageous situations and circumstances will always secure and fix manufactures; Sheffield against all Europe for these three hundred years past.

Impracticability.

Danger of innovation.

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REMARKS

ON

A PLAN FOR THE FUTURE MANAGEMENT OF INDIAN AFFAIRS.

The Plan remarked upon was under the consideration of the ministry before the close of the year 1766, and, as I am inclined to think, after the commencement of 1765. I can go no nearer as to its date. It is needless to enter into the particulars of it, as the Remarks explain themselves; except perhaps as to the following points.

The trade was to be open; there were to be two superintendents to it; in the northern district, the trade was to be carried on at fixed posts; in the southern, within the Indian towns; the military were to have no power over the superintendents or the Indian trade, even in war time, unless with the superintendents' assent, or in great exigencies; the superintendents, by themselves or deputies, were to make annual visitations among the Indians, and their proceedings were to be very summary; and no credit was to be given to the Indians beyond fifty shillings, for no higher debt was to be made recoverable. — B. V.

THE regulations in this Plan seem to me to be in general very good; but some few appear to want explanation, or farther consideration.

Clause 3. Is it intended by this clause to prevent the trade that Indians, living near the frontiers, may choose to carry on with the inhabitants, by bringing their skins into the settlements? This prevention is hardly practicable; as such trade may be carried on in many places out of the observation of government,

the frontier being of great extent, and the inhabitants thinly settled in the woods, and remote from each other. The Indians, too, do not everywhere live in towns sufficiently numerous to encourage traders to reside among them; but in scattered families, here and there, often shifting their situation for the sake of better hunting; and if they are near the English settlements, it would seem to them very hard to be obliged to carry their skins for sale to remote towns or posts, when they could dispose of them to their neighbours, with less trouble and to greater advantage; as the goods they want for them, are and must be dearer at such remote posts.

4. The colony "laws for regulating Indian affairs or commerce" are the result of long experience, made by people on the spot, interested to make them good; and it would be well to consider the matter thoroughly, before they are repealed, to make way for new and untried schemes.

By whom are they to be repealed? By the colony assemblies, or by Parliament? Some difficulty will arise here.

13. The districts seem too large for this. The Indians under the care of the northern superintendent, by this plan, border on the colonies of Nova Scotia, Quebec, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia; the superintendent's situation, remote from many of these, may occasion great inconvenience, if his consent is always to be necessary in such cases.

14. This seems too much to be done, when the vastness of the district is considered. If there were more districts and smaller, it might be more practicable.

15 and 16. Are these agents or commissaries to try causes where life is concerned? Would it not be better to send the criminals into some civil, well-settled

government or colony, for trial, where good juries can be had?

18. "Chief for the whole tribe; who shall constantly reside with the commissary," &c. Provision must then be made for his maintenance, as particular Indians have no estates, but live by hunting; and their public has no funds or revenues. Being used to rambling, it would perhaps not be easy to find one, who would be obliged to this constant residence; but it may be tried.

22. If the agent and his deputies, and the commissaries, are not to trade, should it not be a part of their oath, that they will have no concern in such trade, directly or indirectly? Private agreements between them and the traders, for share of profits, should be guarded against; and the same care taken to prevent, if possible, private agreements between them and the purchasers of Indian lands.

31. —— "or trading at any other post," &c. This should be so expressed, as to make the master liable for the offence of the servant; otherwise it will have no effect.

33. I doubt the settling of tariffs will be a matter of difficulty. There may be differences of fineness, goodness, and value, in the goods of different traders, that cannot be properly allowed for by general tariffs. And it seems contrary to the nature of commerce, for government to interfere in the prices of commodities. Trade is a voluntary thing between buyer and seller; in every article of which each exercises his own judgment, and is to please himself. Suppose either Indian or trader is dissatisfied with the tariff, and refuses barter on those terms; are the refusers to be compelled? If not, why should an Indian be forbidden to take more goods for his skins than your tariff allows, if the trader is willing to give them; or a

trader more skins for his goods, if the Indian is willing to give them? Where there are a number of traders, the separate desire of each to get more custom will operate in bringing down their goods to a reasonable price. It therefore seems to me, that trade will best find and make its own rates; and that government cannot well interfere, unless it will take the whole trade into its own hands (as in some colonies it does), and manage it by its own servants, at its own risk.

38. I apprehend, that if the Indians cannot get rum of fair traders, it will be a great means of defeating all these regulations that direct the trade to be carried on at certain posts. The countries and forests are so very large, it is scarce possible to guard every part, so as to prevent unlicensed traders drawing the Indians and the trade to themselves, by rum and other spirituous liquors, which all savage people are so fond of. I think they will generally trade where they can get rum, preferably to where it is refused them; and the proposed prohibition will therefore be a great encouragement to unlicensed traders, and promote such trade. If the commissaries, or officers at the posts, can prevent the selling of rum during the barter for other goods, and until the Indians are about going away, it is perhaps all that is practicable or necessary. The missionaries will, among other things, endeavour to prevail with them to live soberly and avoid drunkenness.

39. The Indian trade, so far as credit is concerned, has hitherto been carried on wholly upon honor. They have among themselves no such thing as prisons or confinement for debt. This article seems to imply, that an Indian may be compelled by law to pay a debt of fifty shillings or under. Our legal method of compulsion is by imprisonment. The Indians cannot and will not imprison one another; and, if we attempt to imprison them, I apprehend it would be generally dis-

liked by the nations, and occasion breaches. They have such high ideas of the value of personal liberty, and such slight ones of the value of personal property, that they would think the disproportion monstrous between the liberty of a man and a debt of a few shillings; and that it would be excessively inequitable and unjust, to take away the one for a default in payment of the other. It seems to me, therefore, best to leave that matter on its present footing; the debts under fifty shillings as irrecoverable by law, as this article proposes for the debts above fifty shillings. Debts of honor are generally as well paid as other debts. Where no compulsion can be used, it is more disgraceful to be dishonest. If the trader thinks his risk greater in trusting any particular Indian, he will either not do it, or proportion his price to his risk.

44. As the goods for the Indian trade all come from England, and the peltry is chiefly brought to England, perhaps it will be best to lay the duty here, on the exportation of the one, and the importation of the other; to avoid meddling with the question of the right to lay duties in America by Parliament here.

If it be thought proper to carry the trading part of this plan into execution, would it not be well to try it first in a few posts, to which the present colony laws for regulating the Indian trade do not reach; that by experience its utility may be ascertained, or its defects discovered and amended, before it is made general, and those laws repealed to make way for it? If the Indians find by experience, that they are better used in their trade at the posts under these regulations, than at other places, may it not make them desirous of having the regulations extended to other places; and, when extended, better satisfied with them upon reflection and comparison?

HINTS

FOR A REPLY TO THE PROTESTS

OF

CERTAIN MEMBERS OF THE HOUSE OF LORDS

AGAINST

THE REPEAL OF THE STAMP ACT.

In the Athenæum at Philadelphia are many volumes of Pamphlets, which formerly belonged to Dr. Franklin. Some of these are curious from the manuscript notes they contain in the margin. A few specimens have been selected for publication, both as having an historical interest, and as being peculiarly characteristic of their author. These were first published by the present editor in a little volume, entitled, "Familiar Letters and Miscellaneous Pieces by Dr. Franklin."

It should here also be observed, that the notes contained in these pamphlets were penned at the very time when he was supposed, by some persons, either unfriendly to his character or ignorant of his motives, to be secretly acting a part in England more accordant to his private aims, than to the high duties of a true lover of his country. From the tone, temper, and substance of these notes, let the reader judge with what justice such suspicions have been entertained, and such insinuations hazarded to the public. As mere private records of his thoughts, prompted by the impulse of the moment, without any design of their ever seeing the light, they must be admitted to reveal his true sentiments, and to exhibit the unbiassed workings of his mind.

The following "Hints" are found in the margin of Dr. Franklin's printed copy of the *Protests*, written at the time (1766), from which it would appear, that it was his intention to make a formal answer to these Protests. This purpose, it is believed, was never executed. — Editor.

FIRST PROTEST.

We have submitted to your laws; no proof of our acknowledgment of your power to make them; rather an acknowledgment of their reasonableness, or of our own weakness. Post-office came as a matter of utility; was aided by the legislature. Mean to take advantage of our ignorance. Children should not be imposed on; are not, even by honest shopkeepers. A great and magnanimous nation should disdain to govern by tricks and traps, that would disgrace a pettifogging attorney.

Settlement of the colonies stated. Parliament not consulted; not till after the Restoration, except by rebel Parliament. Anxious about preserving the sovereignty of this country? Rather be so about preserving the liberty. We shall be so about the liberty of America, that your posterity may have a free country to come to, where they will be received with open arms.

King, the sovereign, cannot take in his Parliament; at least, can give no greater power, than he had himself.

Compliment the Lords. Not a wiser or better body of men on earth. The deep respect impressed on me by the instance I have been witness to of their justice. They have been misled by misinformation. Proof of my opinion of their goodness, in the freedom with which I propose to examine their Protests.

The trust of taxing America was never reposed by the people of America in the legislature of Great Britain. They had one kind of confidence, indeed, in that legislature; that it would never attempt to tax them without their consent. The law was destructive of that confidence among them.

Other advantages of colonies besides commerce. Selfishness of commercial views.

The sovereignty of the crown I understand. The sovereignty of the British legislature out of Britain I do not understand.

The *fear* of being *thought weak* is a timidity and weakness of the worst sort, as it betrays into a persisting in errors, that may be much more mischievous than the appearance of weakness. A great and powerful state, like this, has no cause for such timidity.

Acknowledging and correcting an error shows great magnanimity. Small states and small republics cannot afford to do so.

America not in the realm of England or Great Britain? No man in America thinks himself exempt from the jurisdiction of the crown, and of the assemblies, or has any such private judgment.

The agitation of the question of rights makes it now necessary to settle a constitution for the colonies. Restrictions should be only for the general good. Endeavour to convince reasonable creatures by reason. Try your hands with me.

Never think of it. They are reasonable creatures. Reasonable laws will not require force.

I observe two or three Scotch Lords protest. Many more voted against the repeal. Colonies settled before the union. Query; If the Parliament had a jurisdiction over the colonies by the first settlement, had they a right to introduce new legislators? Could they sell or commute the right with other nations? Can they introduce the Peers of Ireland and Commons, and the States of Holland, and make them legislators of the colonies? How could Scotland acquire a right to legislation over English colonies, but by consent of the colonies themselves?

I am a subject of the crown of Great Britain; have ever been a loyal one; have partaken of its favors. I

write here with freedom, relying on the magnanimity of the Parliament. I say nothing to your Lordships, that I have not been indulged to say to the Commons. Your Lordships' names are to your Protest, therefore I think I ought to put mine to the answer. Desire what I have said may not be imputed to the colonies. I am a private person, and do not write by their direction. I am over here to solicit, in behalf of my colony, a closer communication with the crown.

SECOND PROTEST.

Talk with Bollan on this head. Query; Courts of common law? Particular colonies drained; all drained, as it would all come home. Those, that would pay most of the tax, would have least of it spent at home. It must go to the conquered colonies. The view of maps deceives.

All breach of the constitution. Juries better to be trusted. Have rather an interest in suppressing smugglers. Nature of smuggling. It is picking of pockets. All oppressions take their rise from some plea of utility; often in appearance only.

The clamor of multitudes. It is good to attend to it. It is wiser to foresee and avoid it. It is wise, when neither foreseen nor avoided, to correct the measures that give occasion to it. Glad the majority have that wisdom.

Wish your Lordships had attended to that other great article of the palladium; "Taxes shall not be laid but by *common consent* in Parliament." We Americans were not here to give our consent.

My duty to the King, and justice to my country, will, I hope, justify me, if I likewise *protest*, which I

now do with all humility in behalf of myself and of every American, and of our posterity, against your declaratory bill, that the Parliament of Great Britain has not, never had, and of right never can have, without consent, given either before or after, power to make laws of sufficient force to bind the subjects in America in any case whatever, and particularly in taxation.

I can only judge of others by myself. I have some little property in America. I will freely spend nineteen shillings in the pound to defend my right of giving or refusing the other shilling; and, after all, if I cannot defend that right, I can retire cheerfully with my little family into the boundless woods of America, which are sure to afford freedom and subsistence to any man, who can bait a hook or pull a trigger.

OBSERVATIONS

ON

PASSAGES IN A PAMPHLET,

ENTITLED

"GOOD HUMOR,

OR

A WAY WITH THE COLONIES.

LONDON, 1766."*

Extract. "THE reply of the governor of Massachusetts to the assembly's answer is in the same consistent style; and affords still a stronger proof, as well of his own ingenuity, honor, and integrity, as of the furious and enthusiastic spirit of the province."

Observation. They knew the governor to be, as it afterwards turned out, their enemy and calumniator in private letters to government here.

"It had been more becoming the state of the colonies, always dear to Britain, and ever cherished and defended by it, to have remonstrated in terms of filial duty and obedience."

How ignorant is this writer of facts! How many of their remonstrances were rejected!

"They must give us leave, in our turn, to except against their demonstration of legal exemption."

There never was any occasion of legal exemption from what they never had been subject to.

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* The passages included within quotation marks are extracts from the pamphlet, and the sentence following each contains Dr. Franklin's observations, which were copied from Franklin's Pamphlets, in the Philadelphia Athenæum. See above, p. 206. — EDITOR.

"But then it is to be further observed, that this same method of arguing is equally favorable to governors as governed, and to the mother country as the colonies."

Here is the old mistake of all these writers. The people of the mother country are subjects, not governors. The King only is sovereign in both countries.

"The colonies will no longer think it equitable to insist upon immunities, which the people of Great Britain do not enjoy."

Why not, if they have a right to them?

"To claim a right of being taxed by their assemblies only, appears to have too much the air of independence; and, though they are not represented here, would give them an immunity beyond the inhabitants of this island."

It is a right, however; what signifies what *air* it has? The inhabitants being freeholders ought to have the same. If they have it not, they are injured. Then rectify what is amiss among yourselves; and do not make it a justification of more wrong.

"Or could they hope to procure any advantages from one hundred representatives? Common sense answers all this in the negative."

Why not, as well as Scotland from forty-five, or rather sixty-one? Common sense, on the contrary, says, that a body of one hundred votes in Parliament will always be worth the attention of any ministry; and the fear of offending them will make every minister cautious of injuring the rights of their country, lest they join with his opposers in Parliament.

"Therefore the interest of Great Britain and that of the colonies is the same."

All this argument of the interest of Britain and the colonies being the *same* is fallacious and unsatisfactory. Partners in trade have a *common* interest, which is the

same, the flourishing of the partnership business; but they may, moreover, have each a *separate* interest, and, in pursuit of that *separate* interest, one of them may endeavour to impose on the other, may cheat him in the accounts, may draw to himself more than his share of the profits, may put upon the other more than an equal share of the expense and burden. Their having a common interest is no security against such injustice. The landholders of Great Britain have a common interest, and yet they injure one another in the inequality of the land tax. The majority in Parliament, being favored in the proportions, will never consent to do justice to the minority by a more equal assessment.

"But what reasonable ground of apprehension can there be, that the British Parliament should be ignorant of so plain a matter, as that the interests of Britain and the colonies are the same?"

If the Parliament is so knowing and so just, how comes it to restrain Ireland in its manufactures, America in its trade? Why may not an Irishman or an American make the same manufactures, and carry them to the same ports, as an Englishman? In many instances Britain shows a selfish regard to her own interest, in prejudice to the colonies. America, therefore, has no confidence in her equity.

"But I can conceive no earthly security better, none indeed so good, as that which depends upon the wisdom and integrity of a British King and Parliament."

Suppose seats in your House of Commons hereditary, as those of the House of Lords; or suppose the Commons to be nominated by the King, or chosen by the Lords; could you then rely upon them? If your members were to be chosen by the people of Ireland, could you then rely upon them? Could you depend upon their wisdom and integrity as a security, the best

possible, for your rights? And wherein is our case different, if the people of England choose legislators for the people of America?

"If they have a spark of virtue left, they will blush to be found in a posture of hostility against Great Britain."

There was no posture of hostility in America, but Britain put herself in a posture of hostility against America. Witness the landing of the troops in Boston, 1768.

OBSERVATIONS

ON PASSAGES IN

"A LETTER

FROM

A MERCHANT IN LONDON

TO HIS NEPHEW IN NORTH AMERICA.

LONDON, 1766."*

Extract. "THE honest indignation you express against those artifices and frauds, those robberies and insults, which lost us the hearts and affections of the Indians, is particularly to be commended; for these were the things, as you justly observed, which involved us in the most bloody and expensive war that ever was known."

Observation. This is wickedly intended by the author, Dean Tucker, to represent the North Americans as the cause of the war. Whereas it was in fact begun by the French, who seized the goods and persons of the English traders on the Ohio, who encroached on the King's land in Nova Scotia, and took a fort from the Ohio Company by force of arms, which induced England to make reprisals at sea, and to send Braddock to recover the fort on the Ohio, whence came on the war.

"By the spirit of *Magna Charta* all taxes laid on by Parliament are constitutional, legal taxes."

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* Marginal notes in Franklin's Pamphlets in the Philadelphia Athenæum. See above, pp. 206, 211. — EDITOR.

There is no doubt but taxes laid by Parliament, where the Parliament has jurisdiction, are legal taxes; but does it follow, that taxes laid by the Parliament of England on Scotland before the union, on Guernsey, Jersey, Ireland, Hanover, or any other dominions of the crown not within the realm, are therefore legal? These writers against the colonies all bewilder themselves by supposing the colonies *within* the realm, which is not the case, nor ever was. This then is the *spirit* of the constitution, that taxes shall not be laid without the consent of those to be taxed. The colonies were not then in being, and therefore nothing relating to them could be *literally* expressed. As the Americans are now *without* the realm, and not of the jurisdiction of Parliament, the spirit of the British constitution dictates, that they should be taxed only by *their own* representatives, as the English are by theirs.

"Now the first emigrants, who settled in America, were certainly English subjects, subject to the laws and jurisdiction of Parliament, and consequently to parliamentary taxes, before the emigration, and therefore subject afterwards, unless some legal constitutional exemption can be produced."

This position supposes, that Englishmen can never be out of the jurisdiction of Parliament. It may as well be said, that wherever an Englishman resides, that country is *England*. While an Englishman resides in England, he is undoubtedly subject to its laws. If he goes into a foreign country, he is subject to the laws and government he finds there. If he finds no government or laws there, he is subject there to none, till he and his companions, if he has any, make laws for themselves; and this was the case of the first settlers in America. Otherwise, and if they carried the English laws and power of Parliament with them, what

advantage could the Puritans propose to themselves by going, since they would have been as subject to bishops, spiritual courts, tithes, and statutes relating to the church, in America as in England? Can the Dean, on his principles, tell how it happens, that those laws, the game acts, the statutes for laborers, and an infinity of others, made before and since the emigration, are not in force in America, nor ever were?

"Now, upon the first settling of an English colony, and before ever you Americans could have chosen any representatives, and therefore before any assembly of such representatives could have possibly met, to whose laws and to what legislative power were you then subject? To the English, most undoubtedly; for you could have been subject to no other."

The author here appears quite ignorant of the fact. The colonies carried no law with them; they carried only a power of making laws, or adopting such parts of the English law, or of any other law, as they should think suitable to their circumstances. The first settlers of Connecticut, for instance, at their first meeting in that country, finding themselves out of all jurisdiction of other governments, resolved and enacted, that, till a code of laws should be prepared and agreed to, they would be governed by *the law of Moses*, as contained in the Old Testament.

If the first settlers had no right to expect a better constitution, than the English, what fools were they for going over, to encounter all the hardships and perils of new settlements in a wilderness! For these were so many additions to what they suffered at home, from tyrannical and oppressive institutions in church and state; with a subtraction of all their old enjoyments of the conveniences and comforts of an old-settled country, friends, neighbours, relations, and homes.

"Suppose, therefore, that the crown had been so ill advised as to have granted a charter to any city or county here in England, pretending to exempt them from *the power and jurisdiction of an English Parliament.* Is it possible for you to believe an absurdity so gross and glaring?"

The American settlers *needed no exemption* from the power of Parliament; they were necessarily exempted, as soon as they landed out of its jurisdiction. Therefore, all this rhetorical paragraph is founded on a mistake of the author, and the absurdity he talks of is of his own making.

"Good heavens! What a sudden alteration is this! An American pleading for the extension of the prerogative of the crown! Yes, if it could make for his cause; and for extending it, too, beyond all the bounds of law, of reason, and of common sense!"

What stuff! Why may not an American plead for the just prerogatives of the crown? And is it not a just prerogative of the crown to give the subjects leave to settle in a foreign country, if they think it necessary to ask such leave? Was the Parliament at all considered, or consulted, in making those first settlements? Or did any lawyer then think it necessary?

"Now this clause, which is nothing more than the renunciation of absolute prerogative, is quoted in our newspapers, as if it was a renunciation of the rights of Parliament to raise taxes."

It was not a renunciation of the rights of Parliament. There was no need of such a renunciation, for Parliament had not even pretended to such a right. But, since the royal faith was pledged by the King for himself and his successors, how can any succeeding King, without violating that faith, ever give his assent to an act of Parliament for such taxation?

"Nay, many of your colony charters assert quite the contrary, by containing the express reservations of parliamentary rights, particularly that great one of levying taxes."

A fib, Mr. Dean. In one charter *only*, and that a late one, is the Parliament mentioned; and the right reserved is only that of laying duties on commodities imported into England from the colony, or exported to it.

"And those charters, which do not make such provisions in express terms, must be supposed virtually to imply them; because the law and constitution will not allow, that the King can do more, either at home or abroad, by the prerogative royal, than the law and constitution authorize him to do."

Suppositions and *implications* will not weigh in these important cases. No law or constitution forbade the King's doing what he did in granting those charters.

"Confuted, most undoubtedly, you are beyond the possibility of a reply, as far as the law and constitution of the realm are concerned in this question."

This is hallooing before you are out of the wood.

"Strange, that though the British Parliament has been, from the beginning, thus unreasonable, thus unjust and cruel towards you, by levying taxes on many commodities outwards and inwards" —

False! Never before the Restoration. The Parliament, it is acknowledged, have made many oppressive laws relating to America, which have passed without opposition, partly through the weakness of the colonies, partly through their inattention to the full extent of their rights, while employed in labor to procure the necessaries of life. But that is a wicked guardian, and a shameless one, who first takes advantage of the weakness incident to minority, cheats and imposes on

his pupil, and, when the pupil comes of age, urges those very impositions as precedents to justify continuing them and adding others.

"But surely you will not dare to say, that we refuse your votes when you come hither to offer them, and choose to poll. You cannot have the face to assert, on an election-day any difference is put between the vote of a man born in America, and of one born here in England."

This is all banter and insult, when you know the impossibility of a million of freeholders coming over sea to vote here. If their freeholds in America are within the realm, why have they not, in virtue of these freeholds, a right to vote in your elections, as well as an English freeholder? Sometimes we are told, that our estates are by our charters all in the manor of East Greenwich, and therefore all in England; and yet have we any right to vote among the voters of East Greenwich? Can we trade to the same ports? In this very paragraph, you suppose that we cannot vote in England, if we come hither, till we have by purchase acquired a right; therefore neither we nor our estates are represented in England.

"The cause of your complaint is this; that you live at too great a distance from the mother country to be present at our English elections; and that, in consequence of this distance, the freedom of our towns, or the freeholds in our counties, as far as voting is concerned, are not worth attending to. It may be so; but pray consider, if you yourselves choose to make it inconvenient for you to come and vote, by retiring into distant countries, what is that to us?"

This is all beside the mark. The Americans are by their constitutions provided with a representation, and therefore neither need nor desire any in the British

Parliament. They have never asked any such thing. They only say, Since we have a right to grant our own money to the King, since we have assemblies where we are represented for such purposes, why will you meddle, out of your sphere, take the money that is ours, and give us yours, without our consent?

"Yes, it is, and you demand it too with a loud voice, full of anger, of defiance, and denunciation."

An absolute falsehood! We never demanded in any manner, much less in the manner you mention, that the mother country should change her constitution.

"In the great metropolis, and in many other cities, landed property itself hath no representative in Parliament. Copy-holds and lease-holds of various kinds have none likewise, though of ever so great a value."

Copy-holds and lease-holds are supposed to be represented in the original landlord of whom they are held. Thus all the land in England is in fact represented, notwithstanding what he here says. As to those who have no landed property in a county, the allowing them to vote for legislators is an impropriety. They are transient inhabitants, and not so connected with the welfare of the state, which they may quit when they please, as to qualify them properly for such privilege.

"And, besides all this, it is well known that the East India Company, which have such vast settlements, and which dispose of the fate of kings and kingdoms abroad, have not so much as a single member, or even a single vote, *quatenus* a company, to watch over their interests at home. And may not their property, perhaps a little short of one hundred millions sterling, as much deserve to be represented in Parliament, as the scattered townships or straggling houses of some of your provinces in America?"

By this argument it may be proved, that no man in

England has a vote. The clergy have none as clergymen; the lawyers, none as lawyers; the physicians, none as physicians; and so on. But if they have votes as freeholders, that is sufficient; and that, no freeholder in America has for a representative in the British Parliament. The stockholders are many of them foreigners, and all may be so when they please, as nothing is more easy than the transferring of stock and conveying property beyond sea by bills of exchange. Such uncertain subjects are, therefore, not properly vested with rights relating to government.

"Yet we raise no commotions; we neither ring the alarm-bell, nor sound the trumpet, and submit to be taxed without being represented; and taxed, let me tell you, for your sakes. All was granted when you cried for help."

This is wickedly false. While the colonies were weak and poor, not a penny or a single soldier was ever spared by Britain for their defence. But as soon as the trade with them became an object, and a fear arose, that the French would seize that trade and deprive her of it, she sent troops to America *unasked.* And she now brings this account of the expense against us, which should be rather carried to her own merchants and manufacturers. We joined our troops and treasure with hers to help her in this war. Of this no notice is taken. To refuse to pay a just debt is knavish; not to return an obligation is ingratitude; but to demand payment of a debt where none has been contracted, to forge a bond or an obligation in order to demand what was never due, is villany. Every year both King and Parliament, during the war, acknowledged, that we had done more than our part, and made us some return, which is equivalent to a receipt in full, and entirely sets aside this monstrous claim.

By all means redress your own grievances. If you are not just to your own people, how can we trust you? We ask no representation among you; but, if you have any thing wrong among yourselves, rectify it, and do not make one injustice a precedent and plea for doing another. That would be increasing evil in the world instead of diminishing it.

You need not be concerned about the number to be added from America. We do not desire to come among you; but you may make some room for your own additional members, by removing those that are sent by the rotten boroughs.

"I must now tell you, that every member of Parliament represents you, and me, and our interests in all essential points, just as much as if we had voted for him. For, although one place or one set of men may elect and send him up to Parliament, yet, when once he becomes a member, he is the equal guardian of all."

In the same manner, Mr. Dean, are the Pope and Cardinals representatives of the whole Christian church. Why don't you obey them?

"This, then, being the case, it therefore follows, that our Birminghams, Manchesters, Leedses, Halifaxes, &c., and your Bostons, New Yorks, and Philadelphias, are as really, though not so nominally, represented, as any part whatsoever of the British empire; and that each of these places has in fact, instead of one or two, not less than five hundred and fifty-eight guardians in the British Senate."

What occasion is there then, my dear Sir, of being at the trouble of elections? The Peers alone would do as well for our guardians, though chosen by the King, or born such. If their present number is too small, his Majesty may be good enough to add five hundred and fifty-eight, or make the present House of Commons and

their heirs-male Peers for ever. If having a vote in elections would be of no use to us, how is it of any to you? Elections are the cause of much tumult, riot, contention, and mischief. Get rid of them at once, and for ever.

"It proves that no man ought to pay any tax, but that only to which the member of his own town, city, or county hath particularly assented."

You seem to take your nephew for a simpleton, Mr. Dean. Every one, who votes for a representative, knows and intends, that the majority is to govern, and that the consent of the majority is to be understood as the consent of the whole; that being ever the case in all deliberative assemblies.

"The doctrine of implication is the very thing to which you object, and against which you have raised so many batteries of popular noise and clamor."

How far, my dear Sir, would you yourself carry the doctrine of implication? If important positions are to be implied, when not expressed, I suppose you can have no objection to their being implied where some expression countenances the implication. If you should say to a friend, "I am your humble servant, Sir," ought he to imply from thence, that you will clean his shoes?

"And consequently you must maintain, that all those in your several provinces, who have no votes," &c.

No freeholder in North America is without a vote. Many, who have no freeholds, have nevertheless a vote; *which, indeed, I don't think was necessary to be allowed.*

"You have your choice, whether you will accept of my price for your tobacco; or, after bringing it here, whether you will carry it away, and try your fortune at another market."

A great kindness this, to oblige me first to bring it

here, that the expense of another voyage and freight may deter me from carrying it away, and oblige me to take the price you are pleased to offer.

"But I have no alternative allowed, being obliged to buy yours at your own price, or else to pay such a duty for the tobacco of other countries, as must amount to a prohibition. Nay, in order to favor your plantations, I am not permitted to plant this herb on my own estate, though the soil should be ever so proper for it."

You lay a duty on the tobacco of other countries, because you must pay money for that, but get ours in exchange for your manufactures.

Tobacco is not permitted to be planted in England, lest it should interfere with corn necessary for your subsistence. Rice you cannot raise. It requires eleven months. Your summer is too short. Nature, not the laws, denies you this product.

"And what will you say in relation to hemp? The Parliament now gives you a bounty of eight pounds per ton for exporting your hemp from North America, but will allow me nothing for growing it here in England."

Did ever any North-American bring his hemp to England for this bounty? We have yet not enough for our own consumption. We begin to make our own cordage. You want to suppress that manufacture, and would do it by getting the raw material from us. You want to be supplied with hemp for your manufactures, and Russia demands money. These were the motives for giving what you are pleased to call a *bounty* to us. We thank you for your bounties. We love you, and therefore must be obliged to you for being good to yourselves. You do not encourage raising hemp in England, because you know it impoverishes the richest grounds; your landholders are all against it. What

you call bounties given by Parliament and the Society, are nothing more than inducements offered us, to persuade us to leave employments that are more profitable, and engage in such as would be less so without your bounty; to quit a business profitable to ourselves, and engage in one that shall be profitable to you. This is the true spirit of all your bounties.

Your duties on foreign articles are from the same motives. Pitch, tar, and turpentine used to cost you five pounds a barrel, when you had them from foreigners, who used you ill into the bargain, thinking you could not do without them. You gave a bounty of five shillings a barrel to the colonies, and they have brought you such plenty as to reduce the price to ten shillings a barrel. Take back your bounties, when you please, since you upbraid us with them. Buy your indigo, pitch, silk, and tobacco where you please, and let us buy our manufactures where we please. I fancy we shall be gainers. As to the great kindness of these five hundred and fifty-eight parliamentary guardians of American privileges, who can forbear smiling, that has seen the Navigation Act, the Hatters' Act, the Steel-Hammer and Slit-Iron Act, and numberless others, restraining our trade, obstructing our manufactures, and forbidding us the use of the gifts of God and nature. Hopeful guardians, truly! Can it be imagined, that, if we had a reasonable share in electing them from time to time, they would thus have used us?

"And must have seen abundant reason before this time, to have altered your former hasty and rash opinion."

We see in you abundance of self-conceit, but no convincing argument.

"Have you no concerts or assemblies, no play-houses or gaming-houses, now subsisting? Have you put

down your horse-races and other such like sports and diversions? And is the luxury of your tables, and the variety and profusion of your wines and liquors, quite banished from among you?"

This should be a caution to Americans, how they indulge for the future in British luxuries. See here British generosity! The people, who have made you poor by their worthless, I mean useless, commodities, would now make you poorer by taxing you; and from the very inability you have brought on yourselves, by a partiality for their fashions and modes of living, of which they have had the whole profit, would now urge your ability to pay the taxes they are pleased to impose. Reject, then, their commerce, as well as their pretended power of taxing. Be frugal and industrious, and you will be free. The luxury of your tables, which could be known to the English only by your hospitably entertaining them, is by these grateful guests now made a charge against you, and given as a reason for taxing you.

"Be it also allowed, as it is commonly asserted, that the public debt of the several provinces amounts to eight hundred thousand pounds sterling."

I have heard, Mr. Dean, that you have studied political arithmetic more than divinity, but, from this sample of it, I fear to very little purpose. If personal service were the matter in question, out of so many millions of souls, so many men might be expected, whether here or in America. But, when raising money is the question, it is not the number of souls, but the wealth in possession, that shows the ability. If we were twice as numerous as the people of England, it would not follow that we are half as able. There are numbers of single estates in England, each worth a hundred of the best of ours in North America. The

city of London alone is worth all the provinces of North America.

"When each of us pays, one with another, twenty shillings per head, we expect that each of you should pay the sum of one shilling! Blush, blush, for shame at your perverse and scandalous behaviour!"

Blush for shame at your own ignorance, Mr. Dean, who do not know that the colonies have taxes, and heavy ones of their own to pay, to support their own civil and military establishments; and that the shillings should not be reckoned upon heads, but upon pounds. There never was a sillier argument.

"Witness our county taxes, militia taxes, poor taxes, vagrant taxes, bridge taxes, high-road and turnpike taxes, watch taxes, lamp and scavenger taxes, &c. &c. &c."

And have we not all these taxes too, as well as you, and our provincial or public taxes besides? And, over and above, have we not new roads to make, new bridges to build, churches and colleges to found, and a number of other things to do, that your fathers have done for you, and which you inherit from them, but which we are obliged to pay for out of our present labor?

"We require of you to contribute only one shilling to every twenty from each of us. Yes, and this shilling too to be spent in your own country, for the support of your own civil and military establishments."

How fond he is of this one shilling and twenty. Who has desired this of you, and who can trust you to lay it out? If you are thus to provide for our civil and military establishments, what use will there afterwards be for our assemblies?

"And yet, small and inconsiderable, as this share is, you will not pay it. No, you will not! and it is at our peril if we demand it."

No! we will pay nothing on compulsion.

"For how, and in what manner, do you prove your allegations? Why, truly, by breaking forth into riots and insurrections, and by committing every kind of violence that can cause trade to stagnate, and industry to cease."

The Americans never brought riots as arguments. It is unjust to charge two or three riots in particular places upon all America. Look for arguments in the petitions and remonstrances of the *assemblies*, who detest riots, of which there are ten in England for one in America.

"Perhaps you meant to insinuate (though it was prudence in you not to speak out), that the late act was ill-contrived and ill-timed, because it was made at a juncture when neither the French were in your rear to frighten, nor the English fleets and armies on your front to force you to a compliance."

It seems a prevailing opinion in England, that fear of their French neighbours would have kept the colonies in obedience to the Parliament, and that, if the French power had not been subdued, no opposition would have been made to the Stamp Act. A very groundless notion. On the contrary, had the French power continued, to which the Americans might have had recourse in the case of oppression from Parliament, Parliament would not have dared to oppress them. It was the employment of fifty thousand men by land, and a fleet on the coast, for five years, to subdue the French only. Half the land army were provincial. Suppose the British twenty-five thousand had acted by themselves, with all the colonies against them; what time would it have taken to subdue the whole?

"Or shall we give you entirely up, unless you will

submit to be governed by the same laws as we are, and pay something towards maintaining yourselves?"

The impudence of this language to colonies, who have *ever* maintained themselves, is astonishing! Except the *late attempted* colonies of Nova Scotia and Georgia, no colony ever received maintenance in any shape from Britain; and the grants to those colonies were mere jobs for the benefit of ministerial favorites, *English* or *Scotchmen*.

"Whether we are to give you entirely up, and, after having obliged you to pay your debts, whether we are to have no further connexion with you as a dependent state or colony"—

Throughout all America English debts are more easily recovered than in England, the process being shorter and less expensive, and land subject to execution for the payment of debts. Evidence, taken *ex parte* in England, to prove a debt, is allowed in their courts, and during the whole dispute there was *not one single instance* of any English merchant's meeting with the least obstruction in any process or suit commenced there for that purpose.

"Externally, by being severed from the British empire, you will be excluded from cutting logwood in the bays of Campeachy and Honduras, from fishing on the banks of Newfoundland, on the coast of Labrador, or in the bay of St. Lawrence, &c."

We have no use for logwood, but to remit it for your fineries. We joined in conquering the Bay of St. Lawrence and its dependencies. As to the Sugar Islands, if you won't allow us to trade with them, perhaps you will allow them to trade with us; or do you intend to starve them? Pray keep your bounties, and let us hear no more of them; and your troops, who never protected us against the savages, nor are fit for such

a service; and the three hundred thousand pounds, which you seem to think so much clear profit to us, when, in fact, they never spend a penny among us, but they have for it from us a penny's worth. The manufactures they buy are brought from you; the provisions we could, as we always did, sell elsewhere for as much money. Holland, France, and Spain would all be glad of our custom, and pleased to see the separation.

"And, after all, and in spite of any thing you can do, we in Britain shall still retain the greatest part of your European trade, because we shall give a better price for many of your commodities, than you can have anywhere else, and we shall sell to you several of our manufactures, especially in the woollen-stuff and metal way, on cheaper terms."

Oho! Then you will still trade with us! But can that be without our trading with you? And how can you buy our oil, if we catch no whales?

"The leaders of your parties will then be setting all their engines to work, to make fools become the dupes of fools."

Just as they do in England.

"And instead of having troops to defend them, and those troops paid by Great Britain, they must defend themselves, and pay themselves."

To defend them! To oppress, insult, and murder them, as at Boston!

"Not to mention, that the expenses of your civil governments will be necessarily increased; and that a fleet more or less must belong to each province for guarding their coasts, ensuring the payment of duties, and the like."

These evils are all imaginations of the author. The same were predicted to the Netherlands, but have never yet happened. But suppose all of them together,

and many more, it would be better to bear them than submit to parliamentary taxation. We might still have something we could call our own. But, under the power claimed by Parliament, we have not a single sixpence.

The author of this pamphlet, Dean Tucker, has always been haunted with the fear of the seat of government being soon to be removed to America. He has, in his Tracts on Commerce, some just notions in matters of trade and police, mixed with many wild and chimerical fancies totally impracticable. He once proposed, as a defence of the colonies, to clear the woods for the width of a mile all along behind them, that the Indians might not be able to cross the cleared part without being seen; forgetting that there is a night in every twenty-four hours.

WALPOLE'S GRANT.

Some time after Dr. Franklin went to England on his second mission, as agent for Pennsylvania, a project was formed in America, originating with Sir William Johnson, Governor Franklin, and others, for settling a new colony in the Ohio country. They wrote to Dr. Franklin, requesting him to use his influence to procure a grant from the crown for this purpose. A company was formed, at the head of which was Mr. Thomas Walpole, a banker in London, and hence the tract of land solicited by them went under the name of *Walpole's Grant.*

The following extracts are from letters written by Dr. Franklin to his son on this subject. The copy, from which they are printed, was found among Sir William Johnson's papers. It has been surmised, from vague expressions in Franklin's published correspondence, that this was some private affair, in which he was seeking the interest of himself and his son. These extracts will show such a suspicion to be perfectly groundless. The truth is, he had no more concern in it, than any other proprietor. The grant was to be divided into seventy-two shares, owned by a large number of persons. The petitions were made publicly to the Board of Trade, and to the King in Council, by Mr. Walpole and his associates. The project encountered much opposition, and met with delay; but it was finally approved, and the grant ratified in the year 1772. The revolutionary troubles, then coming on, defeated the execution of the plan. In the progress of soliciting the grant, Lord Hillsborough wrote for the Board of Trade a Report against it. Dr. Franklin's answer to this Report is one of the ablest efforts of his pen. See the paper, entitled *Settlement on the Ohio River,* in the present volume; and *Washington's Writings,* Vol. II. p. 483. — EDITOR.

May 10*th*, 1766. I like the project of a colony in the Illinois country, and will forward it to my utmost here.

August 25*th*, 1766. I can now only add, that I

will endeavour to accomplish all that you and our friends desire relating to the settlement westward.

September 12*th*, 1716. I have just received Sir William's open letter to Secretary Conway, recommending your plan for a colony in the Illinois, which I am glad of. I have closed and sent it to him. He is not now in that department; but it will of course go to Lord Shelburne, whose good opinion of it I have reason to hope for; and I think Mr. Conway was rather against distant posts and settlements in America. We have, however, suffered a loss in Lord Dartmouth, who, I know, was inclined to a grant there in favor of the soldiery, and Lord Hillsborough is said to be terribly afraid of dispeopling Ireland. General Lyman has been long here soliciting such a grant, and will readily join the interest he has made with ours, and I should wish for a body of Connecticut settlers, rather than all from our frontiers. I purpose waiting on Lord Shelburne on Tuesday, and hope to be able to send you his sentiments by Falconer, who is to sail about the 20th.

A good deal, I imagine, will depend on the account, when it arrives, of Mr. Croghan's negotiation in that country. This is an affair I shall seriously set about; but there are such continual changes here, that it is very discouraging to all applications to be made to the ministry. I thought the last set well established, but they are broken and gone. The present set are hardly thought to stand very firm, and God only knows whom we are to have next.

The plan is I think well drawn, and I imagine Sir William's approbation will go a great way in recommending it, as he is much relied on in all affairs, that may have any relation to the Indians. Lord Adam

Gordon is not in town, but I shall take the first opportunity of conferring with him. I thank the Company for their willingness to take me in, and one or two others that I may nominate. I have not yet concluded whom to propose it to; but I suppose our friend Sargent should be one. I wish you had allowed me to name more, as there will be in the proposed country, by my reckoning, near sixty-three millions of acres, and therefore enough to content a great number of reasonable people, and by numbers we might increase the weight of interest here. But perhaps we shall do without.

September 27th, 1766. I have mentioned the Illinois affair to Lord Shelburne. His Lordship had read your plan for establishing a colony there, recommended by Sir William Johnson, and said it appeared to him a reasonable scheme, but he found it did not quadrate with the sentiments of people here;* that their objections to it were, the distance, which would make it of little use to this country, as the expense on the carriage of goods would oblige the people to manufacture for themselves; that it would for the same reason be difficult both to defend it and to govern it; that it might lay the foundation of a power in the heart of America, which in time might be troublesome to the other colonies, and prejudicial to our government over them; and that people were wanted both here and in the already settled colonies, so that none could be spared for a new colony. These arguments, he said, did not appear of much weight, and I endeavoured by others to invalidate them entirely. But his Lordship did not declare whether he would or would not pro-

* I fancy, but am not certain, that his Lordship meant Lord Hillsborough, who, I am told, is not favorable to new settlements.

mote the undertaking; and we are to talk further upon it.

I communicated to him two letters of Mr. Croghan's, with his journal, and one or two of yours on that subject, which he said he would read and consider; and I left with him one of Evans's maps of the middle colonies, in the small-scale part of which I had marked with a wash of red ink the whole country included in your boundaries. His Lordship remarked, that this would coincide with General Lyman's project, and that they might be united.

September 30*th*, 1766. I have just had a visit from General Lyman, and a good deal of conversation on the Illinois scheme. He tells me, that Mr. Morgan, who is under-secretary of the Southern department, is much pleased with it; and we are to go together to talk to him concerning it.

October 11*th*, 1766. I was again with Lord Shelburne a few days since, and said a good deal to him on the affair of the Illinois settlement. He was pleased to say he really approved of it; but intimated, that every new proposed expense for America would meet with great difficulty here, the treasury being alarmed and astonished at the growing charges there, and the heavy accounts and drafts continually brought in from thence. That Major Farmer, for instance, had lately drawn for no less than thirty thousand pounds extraordinary charges, on his going to take possession of the Illinois; and that the superintendents, particularly the southern one, began also to draw very largely. He spoke, however, very handsomely of Sir William on many accounts.

November 8*th*, 1766. Mr. Jackson is now come to town. The ministry have asked his opinion and advice on your plan of a colony in the Illinois, and he has

just sent me to peruse his answer in writing, in which he warmly recommends it, and enforces it by strong reasons; which gives me great pleasure, as it corroborates what I have been saying on the same topic, and from him appears less to be suspected of some American bias.

February 14*th*, 1767. Great changes being expected keeps men's minds in suspense, and obstructs public affairs of every kind. It is therefore not to be wondered at, that so little progress is made in our American schemes of the Illinois grant, and retribution for Indian losses.

June 13*th*, 1767. The Illinois affair goes forward but slowly. Lord Shelburne told me again last week, that he highly approved of it, but others were not of his sentiments, particularly the Board of Trade. Lyman is almost out of patience, and now talks of carrying out his settlers without leave.

August 28*th*, 1767. Last week I dined at Lord Shelburne's, and had a long conversation with him and Mr. Conway (there being no other company) on the subject of reducing the American expenses. They have it in contemplation to return the management of Indian affairs into the hands of the several provinces, on which the nations border, that the colonies may bear the charge of treaties, and the like, which they think will then be managed more frugally, the treasury being tired with the immense drafts of the superintendents.

I took the opportunity of urging it as one mode of saving expense in supporting the out-posts, that a settlement should be made in the Illinois country, expatiated on the various advantages, namely, furnishing provisions cheaper to the garrisons, securing the country, retaining the trade, raising a strength there, which,

on occasions of a future war, might easily be poured down the Mississippi upon the lower country, and into the Bay of Mexico, to be used against Cuba, the French Islands, or Mexico itself. I mentioned your plan, its being approved by Sir William Johnson, and the readiness and ability of the gentlemen concerned to carry the settlement into execution, with very little expense to government. The secretaries appeared finally to be fully convinced, and there remained no obstacle but the Board of Trade, which was to be brought over privately before the matter should be referred to them officially. In case of laying aside the superintendents, a provision was thought of for Sir William Johnson. He will be made governor of the new colony.

October 9th, 1767. I returned last night from Paris, and just now hear that the Illinois settlement is approved of in the Cabinet Council, so far as to be referred to the Board of Trade for their opinion, who are to consider it next week.

November 13th, 1767. Since my return, the affair of the Illinois settlement has been renewed. The King in Council referred the proposal to the Board of Trade, who called for the opinion of the merchants on two points, namely, whether the settlement of colonies in the Illinois country and at Detroit might not contribute to promote and extend the commerce of Great Britain; and whether the regulation of Indian trade might not best be left to the several colonies that carry on such trade; both which questions they considered at a meeting where Mr. Jackson and I were present, and answered in the affirmative unanimously, delivering their report accordingly to the Board. We shall know in a few days what report the Board will make to the King in Council. Enclosed I send you the notice I

received from the Board to attend the first call with the merchants. You must know, government here is quite tired of having the management of Indian affairs, the superintendents drawing for such immense sums to be given in presents to the Indians; who, nevertheless, they say, are not kept in so good temper as when every colony managed the neighbouring Indians, and put the crown to no expense. It seems, therefore, the present inclination to drop the superintendencies, and provide for Sir William in some other way; but whether they will finally resolve on this, is rather uncertain; for they seem afraid of changing any thing in settled measures, lest something should go wrong, and the opposition make an advantage of it against them. The merchants, to a man, disliked the plan of regulating the trade under the superintendents, and speak strongly against it. The plan I think I have seen in your hands, as proposed by the Board of Trade.

November 25th, 1767. As soon as I received Mr. Galloway's, Mr. Samuel Wharton's, and Mr. Croghan's letters on the subject of the *boundary*, I communicated them to Lord Shelburne. He invited me the next day to dine with him. Lord Clare was to have been there, but did not come. There was nobody but Mr. Macleane. My Lord knew nothing of the boundary's having been agreed on by Sir William; had sent the letters to the Board of Trade, directing search to be made there for Sir William's letters; and ordered Mr. Macleane to search the secretary's office, who found nothing. We had much discourse about it, and I pressed the importance of despatching orders immediately to Sir William to complete the affair. His Lordship asked who was to make the purchase, that is, who should be at the expense. I said, that if the line included any lands within the grants of the charter

colonies, they should pay the purchase money of such proportion. If any within the proprietary grants, they should pay their proportion. But what was within royal governments, where the King granted the lands, the crown should pay for that proportion. His Lordship was pleased to say, he thought this reasonable. He finally desired me to go to Lord Clare as from him, and urge the business there, which I undertook to do.

Among other things at this conversation, we talked of the new settlements. His Lordship told me he had himself drawn up a paper of reasons for those settlements which he laid before the King in Council; acquainting them, that he did not offer them merely as his own sentiments; they were what he had collected from General Amherst, Dr. Franklin, and Mr. Jackson, three gentlemen that were allowed to be the best authorities for any thing that related to America. I think he added, that the Council seemed to approve of the design; I know it was referred to the Board of Trade, who, I believe, have not yet reported on it, and I doubt will report against it.

I waited next morning on Lord Clare, and pressed the matter of the *boundary* closely upon him. He said they could not find, that they had ever received any letters from Sir William concerning it, but were searching farther; agreed to the necessity of settling it, but thought there would be some difficulty about who should pay the purchase money; for that this country was already so loaded, it would bear no more. We then talked of the *new colonies.* I found he was inclined to think one near the mouth of the Ohio might be of use in securing the country, but did not much approve that at Detroit. And, as to the trade, he imagined it would be of little consequence, if we

had it all, but supposed our traders would sell the peltry chiefly to the French and Spaniards at New Orleans, as he heard they had hitherto done. Pray tell me, if you know, whether that has been the case with regard to the skins belonging to our friends B. W. & M.

March 13*th*, 1768. The purpose of settling the new colonies seems at present to be dropt, the change of American administration not appearing favorable to it. There seems rather to be an inclination to abandon the posts in the back country, as more expensive than useful. But counsels are so continually fluctuating here, that nothing can be depended on. The new secretary, Lord H., is, I find, of opinion, that the troops should be placed, the chief part of them, in Canada and Florida, only three battalions to be quartered in New York, New Jersey, and Pennsylvania; and that Forts Pitt, Niagara, Oswego, &c. should be left to the colonies to garrison and keep up, if they think it necessary for the protection of their trade. Probably his opinion may be followed, if new changes do not produce other ideas. The letters from Sir William Johnson, relating to the boundary, were at last found, and orders were sent over, about Christmas, for completing the purchase and settlement of the difference about it. My Lord H. has promised me to send duplicates by this packet, and urge the speedy execution, as I represented to him the danger that these dissatisfactions of the Indians might produce a war.

CAUSES

OF THE

AMERICAN DISCONTENTS BEFORE 1768.

The waves never rise but when the winds blow. — *Prov.*

In a letter to his son, dated London, December 19th, 1767, Dr. Franklin writes; "The resolutions of the Boston people, concerning trade, make a great noise here. Parliament has not taken notice of them, but the newspapers are in full cry against America. Colonel Onslow told me at court last Sunday, that I could not conceive how much the friends of America were run upon and hurt by them, and how much the Grenvillians triumphed. I have just written a paper for next Tuesday's *Chronicle*, to extenuate matters a little."

Again, in a letter to T. Wharton, dated February 20th, 1768, he says; "The proceedings in Boston, as the news came just upon the meeting of Parliament, and occasioned great clamor here, gave me much concern. And, as every offensive thing done in America is charged upon all, and every province, though unconcerned in it, suffers in its interests through the general disgust given, and the little distinction here made, it became necessary, I thought, to palliate the matter a little for our own sakes, and therefore I wrote the paper, which probably you have seen printed in the *Chronicle* of January 7th, and signed F. S."

From another letter to his son, it would seem, that the article was much altered in the press, and not entirely to his satisfaction. "Little at the present is thought of," said he, "but elections, which gives me hopes that nothing will be done against America this session, though the *Boston Gazette* had occasioned some heats, and the Boston resolutions a prodigious clamor. I have endeavoured to palliate matters for them as well as I can. I send you my *manuscript* of one paper, though I think you take the *Chronicle*. The editor of that paper, one Jones, seems a Grenvillian, or is

very cautious, as you will see by his corrections and omissions. He has drawn the teeth and pared the nails of my paper, so that it can neither scratch nor bite. It seems only to paw and mumble."

The piece was likewise reprinted the same year, as a Postscript to a pamphlet entitled *The True Sentiments of America.* — EDITOR.

SIR,

As the cause of the present ill-humor in America, and of the resolutions taken there to purchase less of our manufactures, does not seem to be generally understood, it may afford some satisfaction to your readers, if you give them the following short historical state of facts.

From the time that the colonies were first considered as capable of granting aids to the crown, down to the end of the last war, it is said, that the constant mode of obtaining those aids was by requisition made from the crown, through its governors, to the several assemblies, in circular letters from the Secretary of State, in his Majesty's name; setting forth the occasion, requiring them to take the matter into consideration, and expressing a reliance on their prudence, duty, and affection to his Majesty's government, that they would grant such sums, or raise such numbers of men, as were suitable to their respective circumstances.

The colonies, being accustomed to this method, have from time to time granted money to the crown, or raised troops for its service, in proportion to their abilities; and during all the last war beyond their abilities, so that considerable sums were returned them yearly by Parliament, as they had exceeded their proportion.

Had this happy method of requisition been continued, (a method that left the King's subjects in those remote countries the pleasure of showing their zeal and loyalty,

and of imagining that they recommended themselves to their sovereign by the liberality of their voluntary grants,) there is no doubt, but all the money that could reasonably be expected to be raised from them in any manner, might have been obtained, without the least heart-burning, offence, or breach of the harmony of affections and interests that so long subsisted between the two countries.

It has been thought wisdom in a government, exercising sovereignty over different kinds of people, to have *some regard to prevailing and established opinions* among the people to be governed, wherever such opinions might, in their effects, obstruct or promote public measures. If they tend to obstruct public service, they are to be changed, if possible, before we attempt to act against them; and they can only be changed by reason and persuasion. But, if public business can be carried on without thwarting those opinions; if they can be, on the contrary, made subservient to it; they are not unnecessarily to be thwarted, however absurd such popular opinions may be in their nature.

This had been the wisdom of our government with respect to raising money in the colonies. It was well known, that the colonists universally were of opinion, that no money could be levied from English subjects, but by their own consent, given by themselves or their chosen representatives; that, therefore, whatever money was to be raised from the people in the colonies, must first be granted by their Assemblies, as the money raised in Britain is first to be granted by the House of Commons; that this right of granting their own money was essential to English liberty; and that, if any man, or body of men, in which they had no representative of their choosing, could tax them at pleas-

ure, they could not be said to have any property, any thing they could call their own. But, as these opinions did not hinder their granting money voluntarily and amply, whenever the crown by its servants came into their Assemblies (as it does into its Parliaments of Britain and Ireland) and demanded aids; therefore that method was chosen, rather than the hateful one of arbitrary taxes.

I do not undertake here to support these opinions of the Americans; they have been refuted by a late act of Parliament, declaring its own power; which very Parliament, however, showed wisely so much tender regard to those inveterate prejudices, as to repeal a tax that had militated against them. And those prejudices are still so fixed and rooted in the Americans, that, it has been supposed, not a single man among them has been convinced of his error, even by that act of Parliament.

The person, then, who first projected to lay aside the accustomed method of requisition, and to raise money on America by stamps, seems not to have acted wisely, in deviating from that method (which the colonists looked upon as constitutional), and thwarting unnecessarily the fixed prejudices of so great a number of the King's subjects. It was not, however, for want of knowledge, that what he was about to do would give them offence; he appears to have been very sensible of this, and apprehensive that it might occasion some disorders; to prevent or suppress which, he projected another bill that was brought in the same session with the Stamp Act, whereby it was to be made lawful for military officers in the colonies to quarter their soldiers in private houses.

This seemed intended to awe the people into a compliance with the other act. Great opposition, however,

being raised here against the bill, by the agents from the colonies and the merchants trading thither, (the colonists declaring, that, under such a power in the army, no one could look on his house as his own, or think he had a home, when soldiers might be thrust into it and mixed with his family at the pleasure of an officer,) that part of the bill was dropt; but there still remained a clause, when it passed into a law, to oblige the several Assemblies to provide quarters for the soldiers, furnishing them with firing, bedding, candles, small beer or rum, and sundry other articles, at the expense of the several provinces. And this act continued in force when the Stamp Act was repealed; though, if obligatory on the Assemblies, it equally militated against the American principle above mentioned, that money is not to be raised on English subjects without their consent.

The colonies nevertheless, being put into high good-humor by the repeal of the Stamp Act, chose to avoid a fresh dispute upon the other, it being temporary and soon to expire, never, as they hoped, to revive again; and in the mean time they, by various ways, in different colonies, provided for the quartering of the troops; either by acts of their own Assemblies, without taking notice of the act of Parliament, or by some variety or small diminution, as of salt and vinegar, in the supplies required by the act; that what they did might appear a voluntary act of their own, and not done in due obedience to an act of Parliament, which, according to their ideas of their rights, they thought hard to obey.

It might have been well, if the matter had then passed without notice; but, a governor having written home an angry and aggravating letter upon this conduct in the Assembly of his province, the outed pro-

poser * of the Stamp Act and his adherents, then in the opposition, raised such a clamor against America, as being in rebellion; and against those who had been for the repeal of the Stamp Act, as having thereby been encouragers of this supposed rebellion; that it was thought necessary to enforce the quartering act by another act of Parliament, taking away from the province of New York, which had been the most explicit in its refusal, all the powers of legislation, till it should have complied with that act. The news of which greatly alarmed the people everywhere in America, as (it had been said) the language of such an act seemed to them to be; Obey implicitly laws made by the Parliament of Great Britain to raise money on you without your consent, or you shall enjoy no rights or privileges at all.

At the same time, a person lately in high office † projected the levying more money from America, by new duties on various articles of our own manufacture, as glass, paper, painters' colors, &c., appointing a new board of customs, and sending over a set of commissioners, with large salaries, to be established at Boston, who were to have the care of collecting those duties; which were by the act expressly mentioned to be intended for the payment of the salaries of governors, judges, and other officers of the crown in America; it being a pretty general opinion here, that those officers ought not to depend on the people there, for any part of their support.

It is not my intention to combat this opinion. But perhaps it may be some satisfaction to your readers, to know what ideas the Americans have on the subject. They say then, as to governors, that they are not like

* Mr. George Grenville. † Mr. Charles Townshend.

princes, whose posterity have an inheritance in the government of a nation, and therefore an interest in its prosperity; they are generally strangers to the provinces they are sent to govern; have no estate, natural connexion or relation there, to give them an affection for the country; that they come only to make money as fast as they can; are sometimes men of vicious characters and broken fortunes, sent by a minister merely to get them out of the way; that, as they intend staying in the country no longer than their government continues, and purpose to leave no family behind them, they are apt to be regardless of the good will of the people, and care not what is said or thought of them after they are gone.

Their situation, at the same time, gives them many opportunities of being vexatious, and they are often so, notwithstanding their dependence on the Assemblies for all that part of their support, that does not arise from fees established by law; but would probably be much more so, if they were to be supported by money drawn from the people without their consent or good will, which is the professed design of the new act. That, if by means of these forced duties government is to be supported in America, without the intervention of the Assemblies, their Assemblies will soon be looked upon as useless; and a governor will not call them, as having nothing to hope from their meeting, and perhaps something to fear from their inquiries into, and remonstrances against, his maladministration. That thus the people will be deprived of their most essential rights. That it being, as at present, a governor's interest to cultivate the good will, by promoting the welfare, of the people he governs, can be attended with no prejudice to the mother country; since all the laws he may be prevailed on to give his assent to are subject

to revision here, and, if reported against by the Board of Trade, are immediately repealed by the crown; nor dare he pass any law contrary to his instructions, as he holds his office during the pleasure of the crown, and his securities are liable for the penalties of their bonds if he contravenes those instructions. This is what they say as to governors.

As to judges, they allege, that, being appointed from this country, and holding their commissions, not during good behaviour, as in Britain, but during pleasure, all the weight of interest or influence would be thrown into one of the scales (which ought to be held even), if the salaries are also to be paid out of duties raised upon the people without their consent, and independent of their assemblies' approbation or disapprobation of the judge's behaviour. That it is true, judges should be free from all influence; and, therefore, whenever government here will grant commissions to able and honest judges during good behaviour, the assemblies will settle permanent and ample salaries on them during their commissions; but, at present, they have no other means of getting rid of an ignorant or an unjust judge (and some of scandalous characters have, they say, been sometimes sent them) left, but by starving them out.

I do not suppose these reasonings of theirs will appear here to have much weight. I do not produce them with an expectation of convincing your readers. I relate them merely in pursuance of the task I have imposed on myself, to be an impartial historian of American facts and opinions.

The colonists being thus greatly alarmed, as I said before, by the news of the act for abolishing the legislature of New York, and the imposition of these new duties, professedly for such disagreeable purposes,

(accompanied by a new set of revenue officers, with large appointments, which gave strong suspicions that more business of the same kind was soon to be provided for them, that they might earn their salaries,) began seriously to consider their situation; and to revolve afresh in their minds grievances, which, from their respect and love for this country, they had long borne, and seemed almost willing to forget.

They reflected how lightly the interest of all America had been estimated here, when the interests of a few of the inhabitants of Great Britain happened to have the smallest competition with it. That the whole American people was forbidden the advantage of a direct importation of wine, oil, and fruit, from Portugal, but must take them loaded with all the expense of a voyage one thousand leagues round about, being to be landed first in England, to be re-shipped for America; expenses amounting, in war time at least, to thirty pounds per cent more than otherwise they would have been charged with; and all this, merely that a few Portugal merchants in London may gain a commission on those goods passing through their hands, (Portugal merchants, by the by, that can complain loudly of the smallest hardships laid on their trade by foreigners, and yet, even in the last year, could oppose with all their influence the giving ease to their fellow subjects laboring under so heavy an oppression!) That, on a slight complaint of a few Virginia merchants, nine colonies had been restrained from making paper money, become absolutely necessary to their internal commerce, from the constant remittance of their gold and silver to Britain.

But not only the interest of a particular body of merchants, but the interest of any small body of British tradesmen or artificers, has been found, they say, to

outweigh that of all the King's subjects in the colonies. There cannot be a stronger natural right than that of a man's making the best profit he can of the natural produce of his lands, provided he does not thereby hurt the state in general. Iron is to be found everywhere in America, and the beaver furs are the natural produce of that country. Hats, and nails, and steel are wanted there as well as here. It is of no importance to the common welfare of the empire, whether a subject of the King's obtains his living by making hats on this or on that side of the water. Yet the hatters of England have prevailed to obtain an act in their own favor, restraining that manufacture in America; in order to oblige the Americans to send their beaver to England to be manufactured, and purchase back the hats, loaded with the charges of a double transportation. In the same manner have a few nail-makers, and a still smaller body of steel-makers (perhaps there are not half a dozen of these in England), prevailed totally to forbid by an act of Parliament the erecting of slitting-mills, or steel-furnaces, in America; that the Americans may be obliged to take all their nails for their buildings, and steel for their tools, from these artificers, under the same disadvantages.*

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* I shall here give the reader the note at the end of the fourth paragraph of the Farmer's Seventh Letter, written by Mr. Dickinson. — B. V.

"Many remarkable instances might be produced of the extraordinary inattention with which bills of great importance, concerning these colonies, have passed in Parliament; which is owing, as it is supposed, to the bills being brought in, by the persons who have points to carry, so artfully framed, that it is not easy for the members in general, in the haste of business, to discover their tendency.

"The following instances show the truth of this remark.

"When Mr. Grenville, in the violence of reformation and innovation, formed the 4th George III. ch. 15th, for regulating the American trade, the word 'Ireland' was dropped in the clause relating to our iron and lumber, so that we could send these articles to no other part of Europe,

Added to these, the Americans remembered the act authorizing the most cruel insult that perhaps was ever offered by one people to another, that of *emptying our gaols* into their settlements; Scotland too having within these two years obtained the privilege it had not before, of sending its rogues and villains also to the plantations. I say, reflecting on these things, they said one to another, (their newspapers are full of such discourses,) "These people are not content with making a monopoly of us, forbidding us to trade with any other country of Europe, and compelling us to buy every thing

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but to Great Britain. This was so unreasonable a restriction, and so contrary to the sentiments of the legislature, for many years before, that it is surprising it should not have been taken notice of in the House. However, the bill passed into a law. But when the matter was explained, this restriction was taken off in a subsequent act.

"I cannot say how long after the taking off this restriction, as I have not the acts, but I think in less than eighteen months, another act of Parliament passed, in which the word 'Ireland' was left out, as it had been before. The matter, being a second time explained, was a second time regulated.

"Now, if it be considered, that the omission mentioned, struck off, with one word, so very great a part of our trade, it must appear remarkable; and equally so is the method by which rice became an enumerated commodity, and therefore could be carried to Great Britain only.

"'The enumeration was obtained,' (says Mr. Gee, on Trade, p. 32,) 'by one Cole, a captain of a ship employed by a company then trading to Carolina; for several ships going from England thither, and purchasing rice for Portugal, prevented the aforesaid captain of a loading. Upon his coming home, he possessed one Mr. Lowndes, a member of Parliament, (who was frequently employed to prepare bills,) with an opinion, that carrying rice directly to Portugal was a prejudice to the trade of England, and privately got a clause into an act to make it an enumerated commodity; by which means he secured a freight to himself. But the consequence proved a vast loss to the nation.'

"I find that this clause, 'privately got into an act, for the benefit of Captain Cole, to the vast loss of the nation,' is foisted into the 3d Anne, ch. 5th, entitled, 'An Act for granting to her Majesty a further subsidy on wines and merchandises imported;' with which it has no more connexion, than with 34th Edward I., 34th and 35th of Henry VIII., or the 25th Charles II., which provide that no person shall be taxed but by himself or his representatives."

of them, though in many articles we could furnish ourselves ten, twenty, and even to fifty per cent cheaper elsewhere; but now they have as good as declared they have a right to tax us *ad libitum* internally and externally; and that our constitutions and liberties shall all be taken away, if we do not submit to that claim.

"They are not content with the high prices at which they sell us their goods, but have now begun to enhance those prices by new duties; and, by the expensive apparatus of a new set of officers, appear to intend an augmentation and multiplication of those burdens that shall still be more grievous to us. Our people have been foolishly fond of their superfluous modes and manufactures, to the impoverishing our own country, carrying off all our cash, and loading us with debt; they will not suffer us to restrain the luxury of our inhabitants, as they do that of their own, by laws; they can make laws to discourage or prohibit the importation of French superfluities; but though those of England are as ruinous to us as the French ones are to them, if we make a law of that kind, they immediately repeal it.

"Thus they get all our money from us by trade; and every profit we can anywhere make by our fisheries, our produce, or our commerce, centres finally with them; but this does not signify. It is time, then, to take care of ourselves by the best means in our power. Let us unite in solemn resolution and engagements with and to each other, that we will give these new officers as little trouble as possible, by not consuming the British manufactures on which they are to levy the duties. Let us agree to consume no more of their expensive gewgaws. Let us live frugally, and let us industriously manufacture what we can for ourselves;

thus we shall be able honorably to discharge the debts we already owe them; and after that, we may be able to keep some money in our country, not only for the uses of our internal commerce, but for the service of our gracious sovereign, whenever he shall have occasion for it, and think proper to require it of us in the old constitutional manner. For, notwithstanding the reproaches thrown out against us in their public papers and pamphlets, notwithstanding we have been reviled in their senate as rebels and traitors, we are truly a loyal people. Scotland has had its rebellions, and England its plots against the present royal family; but America *is untainted with those crimes;* there is in it scarce a man, there is not a single native of our country, who is not firmly attached to his King by principle and by affection.

"But a new kind of loyalty seems to be required of us, a loyalty to Parliament; a loyalty that is to extend, it is said, to a surrender of all our properties, whenever a House of Commons, in which there is not a single member of our choosing, shall think fit to grant them away without our consent; and to a patient suffering the loss of our privileges as Englishmen, if we cannot submit to make such surrender. We were separated too far from Britain by the ocean, but we were united to it by respect and love; so that we could at any time freely have spent our lives and little fortunes in its cause; but this unhappy new system of politics tends to dissolve those bands of union, and to sever us for ever."

These are the wild ravings of the, at present, half-distracted Americans. To be sure, no reasonable man in England can approve of such sentiments, and, as I said before, I do not pretend to support or justify them; but I sincerely wish, for the sake of the manufactures

and commerce of Great Britain, and for the sake of the strength, which a firm union with our growing colonies would give us, that these people had never been thus needlessly driven out of their senses. I am yours, &c.

F. S.

PREFACE

TO THE

"LETTERS FROM A FARMER

IN PENNSYLVANIA."

When the celebrated *Farmer's Letters*, written by John Dickinson, reached the hands of Dr. Franklin in London, he sent them to press there, and prefixed the following address to the reader in the form of a preface. — Editor.

When I consider our fellow subjects in America as rational creatures, I cannot but wonder, that, during the present wide difference of sentiments in the two countries, concerning the power of Parliament in laying taxes and duties on America, no application has been made to their understandings, no able and learned pen among us has been employed in convincing them that they are in the wrong; proving clearly, that, by the established law of nations, or by the terms of their original constitution, they are taxable by our Parliament *though they have no representative in it.*

On the contrary, whenever there is any news of discontent in America, the cry is, "Send over an army or a fleet, and reduce the dogs to *reason.*"

It is said of choleric people, that with them there is *but a word and a blow.*

I hope Britain is not so choleric, and will never be so angry with her colonies as to strike them. But that if she should ever think it may be necessary, she

will at least let the *word* go before the *blow*, and reason with them.

To do this clearly, and with the most probability of success, by removing their prejudices and rectifying their misapprehensions (if they are such), it will be necessary to learn what those prejudices and misapprehensions are; and before we can either refute or admit their reasons or arguments, we should certainly know them.

It is to that end I have handed the following Letters (lately published in America) to the press here. They were occasioned by the act made (since the repeal of the Stamp Act) for raising a revenue in America by duties on glass, paper, &c.

The author is a gentleman of repute in that country for his knowledge of its affairs, and, it is said, speaks the general sentiments of the inhabitants. How far those sentiments are right or wrong, I do not pretend at present to judge. I wish to see first what can be said on the other side of the question. I hope this publication will produce a full answer, if we can make one. If it does, this publication will have had its use. No offence to government is intended by it; and it is hoped none will be taken.

N. N.

London, May 8th, 1768.

QUERIES

BY MR. STRAHAN,

RESPECTING AMERICAN AFFAIRS,

AND

DR. FRANKLIN'S ANSWERS.

Mr. Strahan was printer to the King, in which station he acquired wealth and consideration, which, added to his respectable talents and character, raised him to political rank and eminence. In the year 1775, he was elected to Parliament from the borough of Malmsbury, as a colleague with Mr. Fox. An intimacy of long standing subsisted between him and Dr. Franklin, which may perhaps have been strengthened by the similarity of their early pursuits. — EDITOR.

W. STRAHAN TO B. FRANKLIN.

November 21st, 1769.

DEAR SIR,

In the many conversations we have had together about our present disputes with North America, we perfectly agreed in wishing they may be brought to a speedy and happy conclusion. How this is to be done is not so easily ascertained.

Two objects, I humbly apprehend, his Majesty's servants have now in contemplation. First, To relieve the colonies from the taxes complained of, which they certainly had no hand in imposing. Secondly, To preserve the honor, the dignity, and the supremacy of the British legislature over all his Majesty's dominions.

As I know your singular knowledge of the subject in question, and am as fully convinced of your cordial attachment to his Majesty, and your sincere desire to promote the happiness equally of all his subjects, I beg you would, in your own clear, brief, and explicit manner, send me an answer to the following questions. I make this request now, because this matter is of the utmost importance, and must very quickly be agitated. And I do it with the more freedom, as you know me and my motives too well, to entertain the most remote suspicion that I will make an improper use of any information you shall hereby convey to me.

1. Will not a repeal of all the duties (that on tea excepted, which was before paid here on exportation, and of course no new imposition,) fully satisfy the colonists?* If you answer in the negative,

2. Your reasons for that opinion?

3. Do you think the only effectual way of composing the present differences, is to put the Americans precisely in the situation they were in before the passing of the late Stamp Act? If that is your opinion,

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* In the year 1767, for the express purpose of raising a revenue in America, glass, red lead, white lead, painters' colors, paper, and *tea*, (which last article was subject to various home impositions,) became charged by act of Parliament, with new *permanent* duties payable *in the American ports*. Soon after, in the same sessions, (the East India Company promising indemnification for the experiment,) a *temporary* alteration was made with respect to the *home* customs or excise upon certain teas; in the hope, that a deduction in the nominal imposition, by producing a more extended consumption, would give an increased sum to the exchequer. Mr. Strahan, comparing only the *amounts* of the imposed American duty, and the deducted home duty, determines that the Americans had suffered no new imposition. The Americans, it seems, thought otherwise. Had we established this precedent for a revenue, we thought we had every thing to hope; yet we affect surprise, when the colonies avoided an acquiescence, which by parity of reasoning gave *them* every thing to fear. — B. V.

4. Your reasons for that opinion?

5. If this last method is deemed by the legislature and his Majesty's ministers to be repugnant to their duty, as guardians of the just rights of the crown and of their fellow subjects, can you suggest any other way of terminating these disputes, consistent with the ideas of justice and propriety conceived by the King's subjects on both sides of the Atlantic?

6. And, if this method was actually followed, do you not think it would actually encourage the violent and factious part of the colonists to aim at still farther concessions from the mother country?

7. If they are relieved in part only, what do you, as a reasonable and dispassionate man, and an equal friend to both sides, imagine will be the probable consequences?

The answers to these questions, I humbly conceive, will include all the information I want, and I beg you will favor me with them as soon as may be. Every well-wisher to the peace and prosperity of the British empire, and every friend to our truly happy constitution, must be desirous of seeing even the most trivial causes of dissension among our fellow subjects removed. Our domestic squabbles, in my mind, are nothing to what I am speaking of. This you know much better than I do, and therefore I need add nothing farther to recommend this subject to your serious consideration. I am, with the most cordial esteem and attachment, dear Sir, your faithful and affectionate humble servant,

W. Strahan.

THE ANSWER.

Craven Street, November 29th, 1769.

Dear Sir,

Being just returned to town from a little excursion, I find yours of the 21st, containing a number of queries, that would require a pamphlet to answer them fully. You, however, desire only brief answers, which I shall endeavour to give.

Previous to your queries, you tell me that you apprehend his Majesty's servants have now "in contemplation, First, to relieve the colonists from the taxes complained of; Secondly, to preserve the honor, the dignity, and the supremacy of the British legislature over all his Majesty's dominions." I hope your information is good, and that what you suppose to be in contemplation, will be carried into execution, by repealing all the laws that have been made for raising a revenue in America, by authority of Parliament, without the consent of the people there. The honor and dignity of the British legislature will not be hurt by such an act of justice and wisdom. The wisest councils are liable to be misled, especially in matters remote from their inspection. It is the persisting in an error, not the correcting it, that lessens the honor of any man or body of men.

The supremacy of that legislature, I believe, will be best preserved by making a very sparing use of it; never but for the evident good of the colonies themselves, or of the whole British empire; never for the partial advantage of Britain, to their prejudice. By such prudent conduct, I imagine that supremacy may be gradually strengthened, and in time fully established; but otherwise, I apprehend it will be disputed, and lost in the dispute. At present the colonies consent and

submit to it for the regulations of general commerce; but a submission to acts of Parliament was no part of their original constitution. Our former kings governed their colonies, as they had governed their dominions in France, without the participation of British Parliaments. The Parliament of England never presumed to interfere in that prerogative, till the time of the great rebellion, when they usurped the government of all the King's other dominions, Ireland, Scotland, &c. The colonies that held for the King, they conquered by force of arms, and governed afterwards as conquered countries; but New England, having not opposed the Parliament, was considered and treated as a sister-kingdom in amity with England, as appears by the Journals, *March* 10*th*, 1642.

"1. Will not a repeal of all the duties (that on the tea excepted, which was before paid here on exportation, and of course no new imposition,) fully satisfy the colonists?"

Answer. I think not.

"2. Your reasons for that opinion?"

A. Because it is not the sum paid in that duty on tea, that is complained of as a burden, but the principle of the act expressed in the preamble; viz. that those duties were laid for the better support of government, and the administration of justice, in the colonies.* This the colonists think unnecessary, unjust, and dangerous to their most important rights. *Unnecessary*, because in all the colonies (two or three new ones excepted)†

* "Men may lose little property by an act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the two pence lost that makes the capital outrage. Would twenty shillings have ruined Mr. Hampden's fortune? No! but the payment of half twenty shillings, on the principle it was demanded, would have made him a slave." See Mr. Burke's Speeches in 1774 and 1775. — B. V.

† Nova Scotia, Georgia, the Floridas, and Canada.

government and the administration of justice were, and always had been, well supported without any charge to Britain; *unjust*, as it has made such colonies liable to pay such charge for others, in which they had no concern or interest; *dangerous*, as such mode of raising money for those purposes tended to render their Assemblies useless; for, if a revenue could be raised in the colonies for all the purposes of government by act of Parliament, without grants from the people there, governors, who do not generally love Assemblies, would never call them. They would be laid aside; and, when nothing should depend on the people's good will to government, their rights would be trampled on; they would be treated with contempt.

Another reason why I think they would not be satisfied with such a partial repeal is, that their agreements not to import till the repeal takes place, include the whole, which shows that they object to the whole, and those agreements will continue binding on them if the whole is not repealed.

"3. Do you think the only effectual way of composing the present differences is, to put the Americans precisely in the situation they were in before the passing of the late Stamp Act?"

A. I think so.

"4. Your reasons for that opinion?"

A. Other methods have been tried. They have been rebuked in angry letters. Their petitions have been refused or rejected by Parliament. They have been threatened with the punishments of treason by resolves of both Houses. Their Assemblies have been dissolved, and troops have been sent among them; but all these ways have only exasperated their minds and widened the breach. Their agreements to use no more British manufactures have been strengthened; and

these measures, instead of composing differences, and promoting a good correspondence, have almost annihilated your commerce with those countries, and greatly endanger the national peace and general welfare.

"5. If this last method is deemed by the legislature and his Majesty's ministers to be repugnant to their duty, as guardians of the just rights of the crown and of their fellow subjects, can you suggest any other way of terminating these disputes, consistent with the ideas of justice and propriety conceived by the King's subjects on both sides the Atlantic?"

A. I do not see how that method can be deemed repugnant to the rights of the crown. If the Americans are put into their former situation, it must be by an act of Parliament; in the passing of which by the King, the rights of the crown are exercised, not infringed. It is indifferent to the crown whether the aids received from America are granted by Parliament here, or by the Assemblies there, provided the *quantum* be the same; and it is my opinion, that more will be generally granted there voluntarily, than can ever be exacted or collected from thence by authority of Parliament.

As to the rights of fellow subjects (I suppose you mean the people of Britain), I cannot conceive how those will be infringed by that method. They will still enjoy the right of granting their own money, and may still, if it pleases them, keep up their claim to the right of granting ours; a right they can never exercise properly, for want of a sufficient knowledge of us, our circumstances and abilities, (to say nothing of the little likelihood there is that we should ever submit to it,) therefore a right that can be of no good use to them; and we shall continue to enjoy in fact the right of granting our money, with the opinion now universally prevailing

among us, that we are free subjects of the King, and that fellow subjects of one part of his dominions are not sovereigns over fellow subjects in any other part.

If the subjects on the different sides of the Atlantic have different and opposite ideas of "justice and propriety," no one "method" can possibly be consistent with both. The best will be, to let each enjoy their own opinions, without disturbing them, when they do not interfere with the common good.

"6. And, if this method were actually followed, do you not think it would encourage the violent and factious part of the colonists to aim at still farther concessions from the mother country?"

A. I do not think it would. There may be a few among them, that deserve the name of factious and violent, as there are in all countries; but these would have little influence, if the great majority of sober, reasonable people were satisfied. If any colony should happen to think that some of your regulations of trade are inconvenient to the general interest of the empire, or prejudicial to them without being beneficial to you, they will state these matters to Parliament in petitions as heretofore; but will, I believe, take no violent steps to obtain what they may hope for in time from the wisdom of government here. I know of nothing else they can have in view; the notion that prevails here of their being desirous to set up a kingdom or commonwealth of their own, is, to my certain knowledge, entirely groundless.

I therefore think, that, on a total repeal of all duties, laid expressly for the purpose of raising a revenue on the people of America without their consent, the present uneasiness would subside; the agreements not to import would be dissolved; and the commerce flourish as heretofore; and I am confirmed in this sentiment by

all the letters I have received from America, and by the opinions of all the sensible people who have lately come from thence, crown officers excepted.

I know, indeed, that the people of Boston are grievously offended by the quartering of troops among them, as they think, contrary to law; and are very angry with the Board of Commissioners, who have calumniated them to government; but, as I suppose the withdrawing of those troops may be a consequence of reconciliating measures taking place; and that the commission also will be either dissolved, if found useless, or filled with more temperate and prudent men, if still deemed useful and necessary; I do not imagine these particulars would prevent a return of the harmony so much to be wished.*

"7. If they are relieved in part only, what do you, as a reasonable and dispassionate man, and an equal friend to both sides, imagine will be the probable consequence?"

A. I imagine, that repealing the offensive duties in part will answer no end to this country; the commerce will remain obstructed, and the Americans go on with their schemes of frugality, industry, and manu-

* "The opposition [to Lord Rockingham's administration]," says Lord Chesterfield, "are for taking vigorous, as they call them, but I call them violent, measures; not less than *les dragonades;* and to have the tax collected by the troops we have there. For my part, I never saw a froward child mended by whipping; and I would not have the mother become a step-mother." — *Letter*, No. 360.

"Is it a certain maxim," pleads Mr. Burke, "that the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?" "I confess I do not feel the least alarm from the discontents, which are to arise from putting people at their ease. Nor do I apprehend the destruction of this empire, from giving, by an act of free grace and indulgence, to two millions of my fellow citizens, some share of those rights, upon which I have always been taught to value myself." — *Speeches* in 1774 and 1775. — B. V.

factures, to their own great advantage. How much that may tend to the prejudice of Britain, I cannot say; perhaps not so much as some apprehend, since she may in time find new markets.* But I think, if the union of the two countries continues to subsist, it will not hurt the general interest; for whatever wealth Britain loses by the failing of its trade with the colonies, America will gain; and the crown will receive equal aids from its subjects upon the whole, if not greater.

And now I have answered your questions as to what may be, in my opinion, the consequences of this or that supposed measure, I will go a little farther, and tell you what I fear is more likely to come to pass in reality. I apprehend that the ministry, at least the American part of it, being fully persuaded of the right of Parliament, think it ought to be enforced, whatever may be the consequences; and at the same time do not believe, there is even now any abatement of the trade between the two countries on account of these disputes; or that, if there is, it is small, and cannot long continue.

They are assured by the crown officers in America, that manufactures are impossible there; that the discontented are few, and persons of little consequence; that almost all the people of property and importance are satisfied, and disposed to submit quietly to the taxing power of Parliament; and that, if the revenue acts are continued, and those duties only that are called anti-commercial be repealed, and others perhaps laid in stead; the power ere long will be patiently submitted to, and the agreements not to import be broken, when they are found to produce no change of measures here.

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* Here is another mark of the author's candor and foresight. — B. V.

From these and similar misinformations, which seem to be credited, I think it likely that no thorough redress of grievances will be afforded to America this session. This may inflame matters still more in that country; farther rash measures there may create more resentment here, that may produce not merely ill-advised dissolutions of their Assemblies, as last year, but attempts to dissolve their constitution;* more troops may be sent over, which will create more uneasiness; to justify the measures of government, your writers will revile the Americans in your newspapers, as they have already begun to do; treating them as miscreants, rogues, dastards, rebels, &c., to alienate the minds of the people here from them, and which will tend farther to diminish their affections to this country. Possibly, too, some of their warm patriots may be distracted enough to expose themselves by some mad action to be sent for hither; and government here be indiscreet enough to hang them, on the act of Henry the Eighth.†

Mutual provocations will thus go on to complete the separation; and instead of that cordial affection that once and so long existed, and that harmony, so suitable to the circumstances, and so necessary to the happiness, strength, safety, and welfare of both countries; an implacable malice and mutual hatred, such as we now see subsisting between the Spaniards and Portuguese, the Genoese and Corsicans, from the same original misconduct in the superior governments, will take place; the sameness of nation, the similarity of religion,

* This was afterwards attempted by the British legislature, in the case of the Massachusetts Bay province. — B. V.

† The Lords and Commons very prudently concurred in an address for this purpose; and the King graciously assured them of his compliance with their wishes. — B. V.

manners, and language not in the least preventing in our case, more than it did in theirs.

I hope, however, that this may all prove false prophecy, and that you and I may live to see as sincere and perfect a friendship established between our respective countries, as has so many years subsisted between Mr. Strahan and his truly affectionate old friend,

B. Franklin.

STATE

OF THE

CONSTITUTION OF THE COLONIES,

BY GOVERNOR POWNALL;

WITH REMARKS BY DR. FRANKLIN.

This *State of the Constitution of the Colonies* was printed at the close of 1769, and communicated to various persons, with a view to prevent mischief from the misunderstandings between the government of Great Britain and the people of America. I have taken the liberty of ascribing it to Governor Pownall, as his name could have been no secret at the time. Dr. Franklin's *Remarks* (which from their early date are the more curious) are in manuscript; and, from an observation in reply, signed T. P., appear to have been communicated to Governor Pownall. — B. V. The paragraphs within quotation marks are by Governor Pownall, and the remarks immediately following each paragraph are by Dr. Franklin. — EDITOR.

"1. WHEREVER any Englishmen go forth without the realm, and make settlements *in partibus exteris*, 'These settlements as English settlements, and these inhabitants as English subjects, (carrying with them the laws of the land wherever they form colonies, and receiving his Majesty's protection by virtue of his royal charter'* or commissions of government,) 'have and enjoy all liberties and immunities of free and natural subjects, to all intents, constructions, and purposes whatsoever; as if they and every of them were born within the realm;'† and are bound by the like allegiance as every other subject of the realm."

"* Pratt and York." "† General words in all charters."

Remark. The settlers of colonies in America did not carry with them the *laws of the land*, as being bound by them wherever they should settle. They left the realm to avoid the inconveniences and hardships they were under, where some of those laws were in force; particularly ecclesiastical laws, those for payment of tithes, and others. Had it been understood that they were to carry these laws with them, they had better have stayed at home among their friends, unexposed to the risk and toils of a new settlement. They carried with them a right to such parts of laws of the land, as they should judge advantageous or useful to them; a right to be free from those they thought hurtful; and a right to make such others, as they should think necessary, not infringing the general rights of Englishmen; and such *new* laws they were to form as agreeable as might be to the laws of England.

"2. Therefore, the common law of England, and all such statutes as were enacted and in force at the time in which such settlers went forth, and such colonies and plantations were established, (except as hereafter excepted,) together with all such alterations and amendments as the said common law may have received; is from time to time, and at all times, the law of those colonies and plantations."

Rem. So far as they have adopted it; by express laws or by practice.

"3. Therefore all statutes touching the right of the succession, and settlement of the crown, with the statutes of treason relating thereto; * all statutes regulating

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" * That is, all statutes respecting the general relation between the crown and the subject; not such as respect any particular or peculiar establishment of the realm of England. As, for instance; by 13th and 14th of Car. II. ch. 2, the supreme military power is declared to be in general, without limitation, in his Majesty, and to have always been of right

or limiting the general powers and authority of the crown, and the exercise of jurisdiction thereof; all statutes declaratory of the rights and liberty of the subject; do extend to all British subjects in the colonies and plantations as of common right, and as if they and every of them were born within the realm."

Rem. It is doubted whether any settlement of the crown by Parliament takes place in the colonies, otherwise than by the consent of the Assemblies there. Had the rebellion in 1745 succeeded so far as to settle the Stuart family again on the throne, by act of Parliament, I think the colonies would not have thought themselves bound by such an act. They would still have adhered to the present family, as long as they could.

[*Observation in Reply.* They are bound to the King and his successors, and we know no succession but by act of Parliament. — T. P.]

"4. All statutes enacted since the establishment of colonies and plantations, do extend to and operate within the said colonies and plantations, in which statutes the same are specially named."

Rem. It is doubted whether any act of Parliament should *of right* operate in the colonies; *in fact*, several of them have and do operate.

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annexed to the office of King of England, throughout all his Majesty's realms and dominions; yet the enacting clause, which respects only the peculiar establishment of the militia of England, extends to the realm of England only; so that the supreme military power of the crown in all other his Majesty's realms and dominions stands, *as to this statute*, on the basis of its general power, unlimited. However, the several legislatures of his Majesty's kingdom of Ireland, of his dominions of Virginia, and of the several colonies and plantations in America, have, by laws to which the King hath given his consent, operating within the precincts of their several jurisdictions, limited the powers of it, and regulated the exercise thereof."

"5. Statutes and customs which respect only the special and local circumstances of the realm, do not extend to and operate within said colonies and plantations, where no such special and local circumstances are found. Thus the ecclesiastical and canon law, and all statutes respecting tithes; the laws respecting courts baron and copyholds; the game acts; the statutes respecting the poor, and settlements; and all other laws and statutes having special reference to special and local circumstances and establishments within the realm; do not extend to and operate within these settlements, *in partibus exteris*, where no such circumstances or establishments exist."

Rem. These laws have no force in America; not merely because local circumstances differ; but because they have never been adopted, or brought over, by acts of Assembly or by practice in the courts.

"6. No statutes made since the establishment of said colonies and plantations (except as above described in Articles 3 and 4) do extend to and operate within said colonies and plantations.

"*Query.* Would any statute made since the establishment of said colonies and plantations, which statute imported to annul and abolish the powers and jurisdictions of their respective constitutions of government, where the same was not contrary to the laws, or any other wise forfeited or abated; or which statute imported to take away, or did take away, the rights and privileges of the settlers as British subjects; would such statute, as of right, extend to and operate within said colonies and plantations?"

Answer. No. The Parliament has no such power. The charters cannot be altered but by consent of both parties, the King and the colonies.

"Upon the matters of fact, right, and law, as above

stated, it is, that the British subjects thus settled *in partibus exteris* without the realm, so long as they are excluded from an entire union with the realm, as parts of and within the same, have a right to have (as they have) and to be governed by (as they are) a *distinct entire civil government;* of the like powers, preëminences, and jurisdictions, (conformable to the like rights, privileges, immunities, franchises, and civil liberties,) as are to be found and are established in the British government, respecting the British subject within the realm."

Rem. Right.

"Hence also it is, that the rights of the subject, as declared in the Petition of Rights, that the limitation of the prerogative by the Act for abolishing the Star-Chamber and for regulating the Privy Council, &c.; that the Habeas Corpus Act, the Statute of Frauds, the Bill of Rights, do of common right extend to, and are in force within, said colonies and plantations."

Rem. Several of these rights are established by special colony laws. If any are not yet so established, the colonies have right to such laws; and, the covenant having been made in the charters by the King, for himself and his successors, such laws ought to receive the royal assent *as of right.*

"Hence it is, that the freeholders within the precincts of these jurisdictions have (as of right they ought to have) a *share in the power of making those laws* which they are to be governed by, by the right which they have of sending their representatives, to act for them and to consent for them, in all matters of legislation; which representatives, when met in general assembly, have, together with the crown, a right to perform and do all the like acts respecting the matters, things, and rights, within the precincts of their jurisdic-

tion, as the Parliament hath respecting the realm and British dominions.

"Hence also it is, that all the executive offices, (from the supreme civil magistrate, as *locum tenens* to the King, down to that of constable and head-borough,) must of right be established with all and the like powers, neither more nor less than as defined by the constitution and law, as in fact they are established.

"Hence it is, that the judicial offices and courts of justice, established within the precincts of said jurisdictions, have, as they ought of right to have, all those jurisdictions and powers, 'as fully and amply, to all intents and purposes whatsoever, as the courts of King's Bench, Common Pleas, and Exchequer, within his Majesty's kingdom of England have, and ought to have; and are empowered to give judgment and award execution thereupon.' *

"Hence it is, that by the possession, enjoyment, and exercise of his Majesty's great seal, delivered to his Majesty's governor, there is established within the precincts of the respective jurisdictions all the same and like powers of Chancery (except where by charters specially excluded), as his Majesty's chancellor within his Majesty's kingdom of England hath, and of right ought to have, by delivery of the great seal of England. And hence it is, that all the like rights, privileges, and powers follow the use, exercise, and application of the great seal of each colony and plantation within the precincts of said jurisdiction; as doth, and ought of right to, follow the use, exercise, and application of the great seal.

"Hence also it is, that appeals in real actions, 'whereby the lands, tenements, and hereditaments of British

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"* Law in New England, confirmed by the crown, October 22d, 1700."

subjects may be drawn into question and disposed of,' * do not lie, as of right and by law they ought not to lie, to the King in Council.

"Hence also it is, that there is not any law now in being, whereby the subject within said colonies and plantations can be removed † from the jurisdiction to which he is amenable in all his rights, and through which his service and allegiance must be derived to the crown, and from which no appeal lies in criminal causes; so as that such subject may become amenable to a jurisdiction foreign to his natural and legal resiancy, to which he may be thereby transported, and

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"* 16th Car. I. c. 10."

"† The case of the court erected by act of Parliament, 11th and 12th of William III. c. 7, (since the enacting of the Habeas Corpus Act) for the trial of piracies, felonies, and robberies committed in or upon the sea, or in any haven, river, creek, or place where the Admiral has jurisdiction, does no way affect this position; nor doth the 14th section of the said statute, directing that the commissioners, of whom such court consists, may issue their warrant for apprehending such pirates, &c. in order to their being tried in the colonies, or sent into England, any way militate with the doctrine here laid down; nor can it be applied as the case of a jurisdiction actually existing, which supersedes the jurisdictions of the courts in the colonies and plantations, and as what authorizes the taking the accused of such piracies, &c. from those jurisdictions, and the sending such, so taken, to England for trial. It cannot be applied as a case similar and in point to the application of an act of Parliament (passed in the 35th of Henry VIII. concerning the trial of treasons), lately recommended, in order to the sending persons, accused of committing crimes in the plantations, to England for trial; because this act of the 11th and 12th of William III. c. 7, respects crimes committed in places 'where the admiral has jurisdiction,' and cases to which the jurisdiction of those provincial courts do not extend. In the case of treasons committed within the jurisdiction of the colonies and plantations, there are courts competent to try such crimes, and to give judgment thereupon, where the trials of such are regulated by laws to which the King hath given his consent; from which there lies no appeal, and wherein the King hath given power and instruction to his governor, as to execution or respite of judgment. The said act of Henry VIII., which provides remedy for a case which supposes *the want* of due legal jurisdiction, cannot be any way, or by any rule, applied to a case where there *is* due legal and competent jurisdiction."

under which he may be brought to trial and receive judgment, contrary to the rights and privileges of the subject, as declared by the spirit and intent, and especially by the 16th section of the Habeas Corpus Act. And if the person of any subject within the said colonies and plantations should be seized or detained by any power issuing from any court, without the jurisdiction of the colony where he then had his legal resiancy, it would become the duty of the courts of justice *within* such colony (it is undoubtedly of their jurisdiction so to do) to issue the writ of Habeas Corpus.*

"Hence also it is, that in like manner as 'the command and disposition of the militia, and of all forces by sea and land, and of all forts and places of strength, is, and by the laws of England ever was, the undoubted right of his Majesty, and his royal predecessors, kings and queens of England, within all his Majesty's realms and dominions;'† in like manner as the supreme military power and command (so far as the constitution knows of and will justify its establishment)

"* In referring to an old act, made for the trial of treasons committed out of the realm, by such persons as had no legal resiancy but within the realm, and who were of the realm; applying the purview of that statute which was made to bring subjects of the realm, who had committed treason out of the realm (where there was no criminal jurisdiction to which they could be amenable), to trial within the realm, under that criminal jurisdiction to which alone, by their legal resiancy and allegiance, they were amenable; applying this to the case of subjects whose *legal* resiancy is *without* the realm, and who are, by that resiancy and their allegiance, amenable to a jurisdiction authorized and empowered to try and give judgment upon all capital offences whatsoever, without appeal; thus applying this statute so as to take up a proceeding, for which there is no legal process, either by common or statute law as now established, but in defiance of which there is a legal process established by the Habeas Corpus Act, would be to disfranchise the subject in America of those rights and liberties, which, by statute and common law, he is now entitled to."

"† 13th and 14th Car. II. c. 2."

is inseparably annexed to, and forms an essential part of, the office of supreme civil magistrate, the office of King; in like manner, in all governments under the King, where the constituents are British subjects, and of full and perfect right entitled to the British laws and constitution, the supreme military command within the precincts of such jurisdictions must be inseparably annexed to the office of supreme civil magistrate, (his Majesty's regent, vicegerent, lieutenant, or *locum tenens*, in what form soever established;) so that the King cannot, by any * commission of regency, by any commission or charter of government, separate or withdraw the supreme command of the military from the office of supreme civil magistrate; either by reserving this command in his own hands, to be exercised and executed independent of the civil power, or by granting a distinct commission to any military commander-in-chief, so as to be exercised and executed; but more especially not within such jurisdictions, where such supreme military power (so far as the constitution knows and will justify the same) is *already* annexed and granted to the office of supreme civil magistrate.

"And hence it is, that the King cannot erect or establish any law martial or military command, by any commission which may supersede, and not be subject to, the supreme civil magistrate, within the respective

"* If the King was to absent himself for a time from the realm, and did as usual leave a regency in his place, (his *locum tenens* as supreme civil magistrate,) could he authorize and commission any military commander-in-chief to command the militia forts and forces, *independent of such regency?* Could he do this in the colonies and plantations, where the governor is already, by commission or charter, or both, under the great seal, military commander-in-chief, as part of (and inseparably annexed to) the office of supreme civil magistrate, his Majesty's *locum tenens* within said jurisdiction? If he could; then, while openly, by patent according to law, he appeared to establish a free British constitution, he might by a fallacy establish a military power and government."

precincts of the civil jurisdictions of said colonies and plantations; otherwise than in such manner as the said law martial and military commissions are annexed or subject to the supreme civil jurisdiction within his Majesty's realms and dominions of Great Britain and Ireland; and hence it is, that the establishment and exercise of such commands and commissions would be illegal." *

Rem. The King has the command of all military force in his dominions; but in every distinct state of his dominions there should be the consent of the Parliament or Assembly, (the representative body,) to the raising and keeping up such military force. He cannot even raise troops and quarter them in another, without the consent of that other. He cannot of right bring troops raised in Ireland and quarter them in Britain, but with the consent of the Parliament of Britain; nor carry to Ireland, and quarter there, soldiers raised in Britain, without the consent of the Irish Parliament; unless in time of war and cases of extreme exigency. In 1756, when the Speaker went up to present the money bills, he said, among other things, that "England was capable of fighting her own battles and defending herself; and, although ever attached to your Majesty's person, ever at ease under your just government, they cannot forbear taking notice of some circumstances in

* Governor Pownall accompanied this paper to Dr. Franklin with a sort of prophetic remark. After stating that these theorems, and their application to existing cases, were intended to remedy the prejudice, indigestion, indecision, and errors then prevailing, either in opinions or conduct, he adds; "The very attention to the investigation may lead to the discovery of *some truths respecting the whole British empire*, then little thought of, and scarce even suspected; and which perhaps it would not be *prudent* at this time to mark and point out." The minister, however, judged the *discussion* of *dubious* rights over growing states, a better policy than possession, discretion, and silence; he turned civilian, and lost an empire. — B. V.

the present situation of affairs, which nothing but the confidence in your justice, could hinder from alarming their most serious apprehensions. Subsidies to foreign princes, when already burdened with a debt scarce to be borne, cannot but be severely felt. An army of foreign troops, a thing unprecedented, unheard of, unknown, brought into England, cannot but alarm," &c. &c. (See the *Speech.*)

N. B. These *foreign troops* were part of the King's subjects, Hanoverians, and all in *his* service; which is the same thing as . . . . .

OBSERVATIONS

ON PASSAGES IN

"AN INQUIRY

INTO

THE NATURE AND CAUSES OF THE DISPUTES

BETWEEN

THE BRITISH COLONIES IN AMERICA

AND

THEIR MOTHER COUNTRY.

LONDON, 1769."*

Extract. "SUPREME power and authority must not, cannot, reside equally everywhere throughout an empire."

Observation. Writers on this subject often confuse themselves with the idea, that all the King's dominions make one state, which they do not, nor ever did since the conquest. Our kings have ever had dominions not subject to the English Parliament. At first the provinces of France, of which Jersey and Guernsey remain, always governed by their own laws, appealing to the King in Council only, and not to our courts or the House of Lords. Scotland was in the same situation before the union. It had the same King, but a separate Parliament, and the Parliament of England had no jurisdiction over it. Ireland the same in truth, though the British Parliament has *usurped* a dominion over it. The colonies were originally settled in the idea of such extrinsic dominions of the King, and of the King only. Hanover is now such a dominion.

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* See above, pp. 206, 211, 215. — EDITOR.

"If each Assembly, in this case, were absolute, they would, it is evident, form not one only, but so many different governments, perfectly independent of one another."

This is the only clear idea of their real present condition. Their only bond of union is the King.

"Now that of Great Britain being exactly the kind of government I have been speaking of, the absolute impossibility of vesting the American Assemblies with an authority in all respects equal to that of the mother country, without actually dismembering the British empire, must naturally occur to every one."

It would not be dismembering it, if it never was united, as, in truth, it never yet has been. Breaking the present union between England and Scotland would be dismembering the empire; but no such union has yet been formed between Britain and the colonies.

"Where divers remote and distant countries are united under one government, an equal and fair representation becomes almost impracticable, or, at least, extremely inconvenient."

Here appears the excellency of the invention of colony government, by separate, independent legislatures. By this means, the remotest parts of a great empire may be as well governed as the centre; misrule, oppressions of proconsuls, and discontents and rebellions thence arising, prevented. By this means the power of a king may be extended without inconvenience over territories of any dimensions, how great soever. America was thus happily governed in all its different and remote settlements, by the crown and their own Assemblies, till the new politics took place, of governing it by one Parliament, which have not succeeded and never will.

"Should we carry our supposition much farther, the inconveniences attending such long journeys would be very great, although not interrupted by water."

Water, so far from being an obstruction, is a means of facilitating such assemblies from distant countries. A voyage of three thousand miles by sea is more easily performed, than a journey of one thousand by land.

It is, in my opinion, by no means impracticable to bring representatives conveniently from America to Britain; but I think the present mode of letting them govern themselves by their own Assemblies much preferable. They will always be better governed; and the Parliament has business enough here with its own internal concerns.

"Whether they should not be allowed such a form of government, as will best secure to them their just rights and natural liberties."

They have it already. All the difficulties have arisen from the British Parliament attempting to deprive them of it.

"Is it not, let me ask, most egregious folly so loudly to condemn the Stuart family, who would have governed England without a Parliament, when at the same time we would, almost all of us, govern America upon principles not at all more justifiable?"

Very just. Only that the arbitrary government of a single person is more eligible, than the arbitrary government of a body of men. A single man may be afraid or ashamed of doing injustice; a body is never either one or the other, if it is strong enough. It cannot apprehend assassination, and by dividing the shame among them, it is so little apiece that no one minds it.

"And consistently with our rights of sovereignty over them."

I am surprised that a writer, who, in other respects, appears often very reasonable, should talk of *our sovereignty* over the colonies! As if every individual in England was a part of a sovereign over America! The King is the sovereign of all.

The Americans think, that, while they can retain the right of disposing of their own money, they shall thereby secure all their other rights. They have, therefore, not yet disputed your other pretensions.

"That England has an undeniable right to consider America as a part of her dominions is a fact, I presume, which can never be questioned."

You do, indeed, *presume* too much. America *is not* part of the dominions of *England*, but of *the King's dominion*. England is a dominion itself, and has no dominions.

"I will only observe at present, that it was England, in some sense, which at first gave them being."

In some sense! In what sense? They were not planted at her expense. As to defence, all parts of the King's dominion have mutually always contributed to the defence one of the other. The man in America, who contributes sixpence towards an armament against the common enemy, contributes as much to the common protection as if he lived in England.

They have always been ready to contribute, but by voluntary grants according to their rights; nor has any Englishman yet had the effrontery to deny this truth.

"If they are at liberty to choose what sums to raise, as well as the manner of raising them, it is scarcely to be doubted, that their allowance will be found extremely short. And it is evident they may, upon this footing, absolutely refuse to pay any taxes at all. And, if so, it would be much better for England, if it were consistent with her safety, to disclaim all further connexion

with them, than to continue her protection to them wholly at her own expense."

Why is it to be doubted, that they will not grant what they ought to grant? No complaint was ever yet made of their refusal or deficiency. He says, if they are not without reserve obliged to comply with the requisitions of the ministry, they may absolutely refuse to pay any taxes at all. Let him apply this to the British Parliament, and the reasoning will equally prove, that the Commons ought likewise to comply absolutely with the requisitions of the ministry. Yet I have seen lately the ministry demand four shillings in the pound, and the Parliament grant but three. But Parliaments and provincial Assemblies may always be safely trusted with this power of refusing or granting in part. Ministers will often demand too much. But Assemblies, being acquainted properly with the occasion, will always grant what is necessary. As protection is, as I said before, mutual and equal in proportion to every man's property, the colonies have been drawn into all British wars, and have annoyed the enemies of Britain as much in proportion as any other subjects of the King, equal in numbers and property. Therefore, this account has always balanced itself.

"It may further be observed, that their proceedings are not quite so rapid and precipitate, as those of the Privy Council; so that, should it be found necessary, they will have more time to petition or make remonstrances. For this privilege, the least which a subject can enjoy, is not to be denied them."

Late experience has fully shown, that American petitions and remonstrances are little regarded in Britain. The privilege of petitioning has been attempted to be wrested from them. The Assemblies' uniting to petition has been called *a flagitious attempt*, in the

ministers' letters; and such Assemblies as would persist in it have therefore been dissolved.

It is a joke to talk thus to us, when we know that Parliament, so far from solemnly canvassing our petitions, have refused to receive or read them.

"Our right of legislation over the Americans, unrepresented as they are, is the point in question. This right is asserted by most, doubted of by some, and wholly disclaimed by a few."

I am one of those few; but am persuaded the time is not far distant, when the few will become the many; for, *Magna est veritas et prevalebit.*

"But, to put the matter in a stronger light, the question, I think, should be, whether we have a general right of making slaves, or not."

A very proper state of the question.

"And the Americans may be treated with as much equity, and even tenderness, by the Parliament of Great Britain, as by their own Assemblies. This, at least, is possible, though perhaps not very probable."

How can we Americans believe this, when we see almost half the nation paying but one shilling and sixpence in the pound, while others pay full four shillings; and that there is not virtue and honesty enough in Parliament to rectify this iniquity? How can we suppose they will be just to us at such a distance, when they are not just to one another? It is not, indeed, as the author says, *very probable.* The *unequal representation*, too, that prevails in this kingdom, they are so far from having virtue enough to attempt to remedy, that they make use of it as an argument, why we should have no representation at all.

"To the equity of this measure, [an American representation in Parliament] the Americans themselves, I presume, could have nothing fairly to object."

Provided they had an equitable number of representatives allowed them.

"As to those, indeed, which attend only the choosing a new Parliament, they may, perhaps, by proper means, be considerably lessened, though not wholly removed."

Let the old members continue till superseded by new ones from America.

"But, should the King at any time be disposed to dissolve his Parliament, and convene a new one, as hath been often done, only at a few weeks' notice, this, upon the same footing, could not be effected."

By the above it might.

"The method, however, of examining and deciding contested elections, when necessary, must undoubtedly with respect to America be set, in a great measure, upon a different footing from that at present practised in this kingdom."

Let the members be chosen by the American Assemblies, and disputed elections settled there, if any; but there would be none.

"It is not in the least, at this time, probable, that an American representation will ever be convened in England."

I think so too; where neither side approves a match, it is not likely to be made.

"They will be almost wholly excluded the benefit of private acts, by reason of the immoderate expense."

They may make them at home. The expense of private acts in England is shamefully great.

"The repairing of highways, making rivers navigable, and cutting canals, with a variety of other things of the like kind, wherein recourse must be had to Parliament, and yet the expense be supplied chiefly, if not wholly, by private persons."

All this may be done by their own laws at home.

"This mode of compromise may as well be waved, as it cannot be effected, it is evident, without immense trouble."

Very little.

"And if they should be divided in their sentiments upon it, and uncertain what measures to adopt and follow, it cannot be matter of just wonder and censure."

Then leave it as it is. It was very well, till you attempted alterations and novelties.

"In respect to the article of levying taxes, it should be deemed only a matter of grace, to be resumed at pleasure."

Your humble servant! We thank you for nothing. Keep up your claim, and make the most of it.

"To be placed upon a level with the rest of the subjects of the British crown, is the utmost the colonies can challenge."

No. They may challenge all that was promised them by charters to encourage them to settle there. They have performed their part of the contract, and therefore have a right to expect a performance of the other part. They have, by the risks and expenses they have incurred, additional merit, and are therefore to be considered as *above the level of other subjects.*

"We cannot otherwise maintain our sovereignty over it, unless our safety were actually at stake and absolutely required it."

I am quite sick of *our sovereignty.* Your safety is only endangered by quarrelling with the colonies; not by leaving them to the free enjoyment of their own liberties.

"They, who first migrated from England to settle in America, well knew, I presume, they were still to continue the subjects of the same government."

They well knew the contrary. They would never have gone, if that had been the case. They fled from your government, which oppressed them. If they carried your government with them, and of course your laws, they had better have stayed and endured the oppression at home, and not have added to it all the hardships of making a new settlement. They carried not your laws; but, had they carried your government and laws, they would now have been subject to spiritual courts, tithes, church acts of Parliament, game acts, &c. &c., which they are not, and never were since their being *out of the realm.*

"They knew they were not to be independent."

They were to depend on the King only.

"For no one, I imagine, would doubt, if their charters granted them an inconsistent power, but that they might be justly cancelled; as no government can be supposed to alienate prerogatives necessary to its safe existence."

Every government is supposed to be *compos mentis* when it grants charters, and shall not be allowed to plead insanity. If you break the charters, or violate them, you dissolve all ties between us.

"However, a right of sovereignty in this case we may undeniably claim and vindicate; though we might safely grant them independency."

You may claim it; but you have not, never had, nor, I trust, ever will have it. You, that is, the people of England, cannot grant the Americans independency of the King. It can never be, but with his consent and *theirs.*

"Preserving our sovereignty over them, although at the expense of some portion of their natural prerogatives. They partly consist of our own plantations, and partly of the conquests we have made from a nation

in whose hands it would have been dangerous for us to have continued."

Our sovereignty! Our sovereignty for ever. Of *their*, not *our* plantations. The conquests may be yours partly; but they are partly conquests belonging to the colonies, who joined their forces with yours in equal proportion.

"Our very being, therefore, at least as a free people, depends upon our retention of them."

Take care, then, how you use them.

"They are now treated as children. Their complaints are heard, and grievances redressed. But then they would be treated rather as slaves, having the swords of their masters perpetually held at their throats, if they should presume to offer half the indignities to the officers of the French crown, which they have often with impunity done to those of the British."

The direct contrary is true; they are not redressed; they are refused to be heard. Fresh oppressions and insults are continually added. English swords are now held at our throats. Every step is taking to convince us, that there is no difference in government.

"Nay, they have Assemblies of their own to redress their grievances."

It is well they have.

"And, if that should be done, what marks of sovereignty will they allow *us* to enjoy? What sort of claim will they indulge us with? Only, I suppose, a mere titular one. And, if so, would they then expect, that we should still protect them with our forces by sea and land? Or will they themselves maintain an army and navy sufficient for that purpose? This they certainly at present are not able to do, if they were not sheltered by the wings of Great Britain."

What would you have? Would you, the people of England, be subjects and kings at the same time? Don't be under any apprehensions for them. They will find allies and friends somewhere; and it will be worth no one's while to make them enemies, or to attack so poor a people, so numerous, and so well armed.

"Nor is there any reason to apprehend, that they should be at all formidable to England; as the number [of American representatives in Parliament] might be properly limited, as those of Scotland were at the union."

A proper limitation can only be this, that they shall from time to time have such a number of additional members, as are proportioned to their increasing share of the taxes and numbers of the people.

"An exact estimate can scarcely be made of what expense their protection stands in to Great Britain."

The protection is mutual. They are always, in time of war, at as much expense as would be necessary to protect themselves; first, by the troops and armed ships they raise and equip; secondly, by the higher price they pay for all commodities, when drawn into war by English European quarrels; thirdly, by obstructions to the vent of their produce by general embargo.

"They are justly chargeable with a certain portion of the civil list; for this most indubitably constitutes a part of government. How this article at present is managed in England, is not now my business to inquire."

I will tell you how it is managed. The colonies maintain their governors, who are the King's representatives; and the King receives a quitrent from the lands in most of the colonies.

"In many parts they are little, perhaps, or nothing at all, inferior in respect of their conveniences to the mother country."

As these differences cannot be known in Parliament here, how can you proportion and vary your taxes of America, so as to make them equal and fair? It would be undertaking what you are not qualified for, as well as doing what you have no right to do.

"Yet it must be granted, that they know best the state of their own funds, and what taxes they can afford to pay."

And yet you would be meddling.

"It is very certain, that England is entitled to a great deal of gratitude from her colonies."

The English are eternally harping on this string, the great obligation the colonies are under for protection from the French. I have shown, already, that the defence was mutual. Every man in England, and every man's estate, have been defended from the French; but is it sense to tell any particular man, "The nation has incurred a debt of one hundred and forty-eight millions to protect you and your estate, and therefore you owe a great deal of gratitude to the nation?" He will say, and justly, "I paid my proportion, and I am under no obligation." The colonies, as I have shown in preceding notes, have always paid more in various ways, and besides extending your trade sometimes (from which you exclude the colonies), and for whims about the balance of power, and for the sake of continental connexions in which they were separately unconcerned. On the other hand, they have, from their first settlement, had wars in America, in which they never engaged you. The French have never been their enemies, but on your account.

"That the late war was chiefly kindled and carried on, on your account, can scarcely be denied."

It is denied.

"By the steps they seem to take to shake off our sovereignty."

Our sovereignty again! This writer, like the Genoese queens of Corsica, deems himself a sprig of royalty!

"For, as soon as they are no longer dependent upon England, they may be assured they will immediately become dependent upon France."

We are assured of the contrary. Weak states, that are poor, are as safe as great ones, that are rich. They are not objects of envy. The trade, that may be carried on with them, makes them objects of friendship. The smallest states may have great allies; and the mutual jealousies of great nations contribute to their security.

"And whatever reasons there might exist to dispose them in our favor in preference to the French; yet, how far these would operate, no one can pretend to say."

Then be careful not to use them ill. It is a better reason for using them kindly. That alone can retain their friendship. Your sovereignty will be of no use, if the people hate you. Keeping them in obedience will cost you more than your profits from them amount to.

"It is not, indeed, for their jealousy of their rights and liberties, but for their riotous and seditious manner of asserting them."

Do you Englishmen then pretend to censure the colonies for riots? Look at home! I have seen, within a year, riots in the country about corn; riots about elections; riots about work-houses; riots of colliers; riots of weavers; riots of coal-heavers; riots

of sawyers; riots of sailors; riots of Wilkesites; riots of government chairmen; riots of smugglers, in which custom-house officers and excisemen have been murdered, the King's armed vessels and troops fired at, &c. In America, if one mob rises, and breaks a few windows, or tars and feathers a single rascally informer, it is called *rebellion;* troops and fleets must be sent, and military execution talked of as the decentest thing in the world. Here, indeed, one would think riots part of the mode of government.

"And if she had not thought proper to centre almost all her care, as she has done, upon making the late peace, in procuring them a safe establishment, and to sacrifice to it, in a manner, every other object, she might, at least, expect from them a more decent and dutiful demeanour."

In the last war, America kept up twenty-five thousand men at her own cost for five years, and spent many millions. Her troops were in all battles, all service. Thousands of her youth fell a sacrifice. The crown gained an immense extent of territory, and a great number of new subjects. Britain gained a new market for her manufactures, and recovered and secured the old one among the Indians, which the French had interrupted and annihilated. But what did the Americans gain except that *safe establishment*, which they are now so taunted with? Lands were divided among none of them. The very fishery, which they fought to obtain, they are now restrained in. The plunder of the Havana was not for them. And this very *safe establishment* they might as well have had by treaty with the French, their neighbours, who would probably have been easily made and continued their friends, if it had not been for their connexion with Britain.

"And it seldom happens, that any one fares the better for his insolence."

Then don't be insolent with your power.

"For should matters on all sides, as I hope they never will, be carried to extremities, I cannot take upon me to say but England may yet produce both a ministry and Parliament, that would rather share them once more with the French, than totally relinquish her present pretensions."

We have been often threatened with this wise measure of returning Canada to France. Do it when you please. Had the French power, which you were five years subduing with twenty-five thousand regulars, and twenty-five thousand of us to help you, continued at our backs ready to support and assist us, whenever we might think proper to resist your oppressions, you would never have thought of a Stamp Act for us; you would not have dared to use us as you have done. If it be so politic a measure to have enemies at hand, (as the notion is) to keep *your subjects* in obedience, then give part of Ireland to the French to plant. Plant another French colony in the Highlands, to keep rebellious Scotland in order. Plant another on Tower Hill, to restrain your own mobs. There never was a notion more ridiculous. Don't you see the advantage you may have, if you preserve our connexion? The fifty thousand men and the fleet employed in America, during the last war, are now so much strength at liberty to be employed elsewhere.

"The legislative power of every kingdom or empire should centre in one supreme assembly."

Distinguish here what may be *convenient* from what is *fact*. Before the union it was thought *convenient*, and long wished for, that the two kingdoms should join in one Parliament. But, till that union was formed,

the fact was, that their Parliaments were distinct, and the British Parliament would not make laws for Scotland. The same fact now subsists in America. The Parliaments and states are distinct; but the British Parliament has taken advantage of our minority, and usurped powers not belonging to it.

"It would not be amiss, perhaps, to ask them what bounds they would be content to fix to their claims and demands upon us, as hitherto they seem to be at a loss where to stop."

They only desire, that you would leave them where you found them; repeal all your taxing laws, and return to requisitions when you would have aids from them.

"I must freely own, that whatever opinion I may have of their right, I certainly have not quite as favorable one of their conduct, which often is neither consistent nor prudent."

They think the same of yours.

"If they are really willing we should exercise any acts of sovereignty among them at all, the imposition they have so riotously resisted might not improperly, perhaps, have been allowed better quarter."

Leave the King, who alone is the sovereign, to exercise his acts of sovereignty in appointing their governors, and in approving or disapproving their laws. But do you leave it to their choice to trade elsewhere for commodities? To go to another shop? No! you say they shall buy of you, or nobody.

"Nor should mere custom, nor any charter or law in being, be allowed any great weight in the decision of this point."

The charters are sacred. Violate them, and then the present bond of union (the kingly power over us) will be broken.

"The Americans may insist upon the same rights, privileges, and exemptions, as are allowed the Irish, because of the similarity, if not identity, of their connexions with us."

Surely the Americans deserve a little more. They never put you to the trouble and expense of conquering them, as Ireland has done three times over. They never were in rebellion. I speak now of the native Irish. The English families settled there lost no rights by their merit in conquering that country.

"But if any distinction were to be made, most certainly, of the two nations, the Americans are least entitled to any lenity on that score."

I wonder much at this "*most certainly.*"

"The terms she may not think safe and proper to grant the Irish, she may judge full as dangerous and imprudent to grant the Americans."

It is very imprudent to deprive America of any of her privileges. If her commerce and friendship are of any importance to you, they are to be had on no other terms, than leaving her in the full enjoyment of her rights.

"Long before we could send among them any considerable number of forces, they might do a great deal of mischief, if not actually overturn all order and government."

They will take care to preserve order and government for their own sakes.

"Several other reasons might be offered, why the same measures, in regard to both nations, might not be altogether alike convenient and advisable."

Where you cannot so conveniently use force, there you should endeavour to secure affection.

OBSERVATIONS

ON

PASSAGES IN A PAMPHLET,

ENTITLED

"THE TRUE CONSTITUTIONAL MEANS

FOR

PUTTING AN END TO THE DISPUTES

BETWEEN

GREAT BRITAIN AND THE AMERICAN COLONIES.

LONDON, 1769."*

Extract. "EVERY British subject must acknowledge, that the directive influence of the British state remains with the British legislature, who are the only proper judges of what concerns the general welfare of the whole empire."

Observation. The British state is only the Island of Great Britain; the British legislature are undoubtedly the only proper judges of what concerns the welfare of that state; but the Irish legislature are the proper judges of what concerns the Irish state, and the American legislatures of what concerns the American states respectively. By "the whole empire" does this writer mean all the King's dominions? If so, the British Parliaments should also govern the Isles of Jersey and Guernsey, and Hanover; but this is not so.

"But the land tax, which I have proposed, is in its very nature unoppressive, and is equally well suited to the poorest as to the richest province of the British empire."

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* See above, 206, 211, 215, 281.

This writer seems ignorant, that every colony has its own civil and military establishment to provide for; new roads and bridges to make; churches and all public edifices to erect; and would he separately tax them, moreover, with a tax on lands equal to what is paid in Britain?

"The colonists must possess a luxuriant abundance to be able to double their inhabitants in so short a space."

How does this appear? Is not a mere competence sufficient for this purpose? If America will consent to pay thus its proportion of British taxes, will Britain pay out of the whole all the American taxes? Or is America to pay both?

"The produce of the planters purchases for them what others buy with gold and silver; but even several of the colonists of the rank of good livers have often been seen to pay the price of a negro with gold. As instances of Virginian luxury, I have been assured, that there are few families there without some plate; and that at some entertainments the attendants have appeared almost as numerous as the guests."

Was not the gold first purchased by the produce of his land, obtained by hard labor? Does gold drop from the clouds in Virginia into the laps of the indolent? Their very purchasing plate and other superfluities from England is one means of disabling them from paying taxes to England. Would you have it both in meal and malt? It has been a great folly in the Americans to entertain English gentlemen with a splendid hospitality ill suited to their circumstances; by which they excited no other grateful sentiments in their guests, than that of a desire to tax the landlord.

"It cannot be deemed exorbitant, considering their traffic with the French sugar islands, as well as with

our own; and this will make the whole of their importations four millions per annum."

This is arguing the riches of a people from their extravagance; the very thing that keeps them poor.

"The inhabitants of Great Britain pay above thirteen millions sterling every year, including turnpikes and the poor's rates, two articles which the colonists are exempt from."

A turnpike tax is no burden, as the turnpike gives more benefit than it takes. And ought the rich in Britain, who have made such numbers of poor by engrossing all the small divisions of land, and who keep the laborers and working people poor by limiting their wages, — ought those gentry to complain of the burden of maintaining the poor that have worked for them at unreasonably low rates all their lives? As well might the planter complain of his being obliged to maintain his poor negroes, when they grow old, are sick, or lame, and unable to provide for themselves.

"For though all pay by the same law, yet none can be required to pay beyond his ability; and the fund from whence the tax is raised, is, in the colonies that are least inhabited, just as able to bear the burden imposed, as in the most populous county of Great Britain."

The colonies are almost always considered by these ignorant, flimsy writers, as unwilling to contribute to the general exigencies of the state; which is not true. They are always willing, but will have the granting of their own money themselves; in which they are right for various reasons.

"They would be content to take land from us gratuitously."

What land have they ever taken from you? The lands did not belong to the crown, but to the Indians,

of whom the colonists either purchased them at their own expense, or conquered them without assistance from Britain. The engagement to settle the American lands, and the expense of settlement, are more than equivalent for what was of no value to Britain without a first settlement.

"The rental of the lands in Great Britain and Ireland amounts to about twenty-two millions; but the rental of the same extent of lands in America is not probably one million sterling."

What signifies extent of unsettled lands, that produce nothing?

"I beg to know if the returns of any traffic on earth ever produced so many per cent, as the returns of agriculture in a fertile soil and favorable climate."

How little this politician knows of agriculture! Is there any county where ten bushels of grain are generally got in for one sown? And are all the charges and advances for labor to be nothing? No farmer of America in fact makes five per cent of his money. His profit is only being paid for his own labor, and that of his children. The opulence of one English or Dutch merchant would make the opulence of a hundred American farmers.

"It may, I think, be safely concluded, that the riches of the colonists would not increase so fast, were the inhabitants to leave off enlarging their settlements and plantations, and run eagerly upon manufactures."

There is no necessity of leaving their plantations; they can manufacture in their families at spare times. Depend upon it, the Americans are not so impolitic, as to neglect settlements for unprofitable manufactures; but some manufactures may be more advantageous to some persons, than the cultivation of land, and these will prosecute such manufactures notwithstanding your oratory.

SETTLEMENT ON THE OHIO RIVER.

This paper relates to what has been commonly called *Walpole's Grant*, heretofore mentioned, (p. 233.) A petition had been presented to the King in Council by a company of gentlemen, at the head of whom was Thomas Walpole, for a tract of land on the Ohio River, where it was proposed to form a new settlement. The petition met with delay in the Council, and was at length referred to the Board of Trade. The following "Report of the Lords Commissioners of Trade and Plantations" on the subject was drawn up by Lord Hillsborough, at that time president of the Board of Trade, who strenuously opposed the petition. Dr. Franklin answered that Report, and in so able and convincing a manner, that, when the subject was again brought before the Council, July 1st, 1772, and his answer was read, the petition was granted.

Alluding to this circumstance, in a letter to Joseph Galloway, dated August 22d, 1772, Dr. Franklin said; "Lord Hillsborough, mortified by the Committee of Council's approbation of our grant, in opposition to his Report, has resigned. I believe when he offered to do so he had such an opinion of his importance, that he did not think it would be accepted; and that it would be thought prudent rather to set our grant aside than to part with him. His colleagues in the ministry were all glad to get rid of him, and perhaps for this reason joined more readily in giving him that mortification. Lord Dartmouth succeeds him, who has much more favorable dispositions towards the colonies."

Again, in a letter to his son, dated July 14th, 1773, he wrote; "Mr. Todd, who has some attachment to Lord Hillsborough, told me, as a secret, that Lord Hillsborough was much chagrined at being out of place, and could never forgive me for writing that pamphlet against his Report about the Ohio. Of all the men I ever met with, he is surely the most unequal in his treatment of people, the most insincere, and the most wrongheaded. Witness, besides his various behaviour to me, his duplicity in encouraging us to ask for more land. '*Ask for enough to make a province,*' (when we at first asked only for two millions five hundred thousand acres,) were his words, pretending to befriend our application; then doing every

thing to defeat it, and reconciling the first to the last by saying to a friend, that he meant to defeat it from the beginning, and that his putting us upon asking so much was with that very view, supposing it too much to be granted. Thus, by the way, his mortification becomes double. He has served us by the very means he meant to destroy us, and tripped up his own heels into the bargain."

Lord Hillsborough's Report and Dr. Franklin's Answer were published, in the year 1797, in the second volume of a work, entitled "Biographical, Literary, and Political Anecdotes of Several of the most eminent Persons of the present Age." The author of that work remarks on the subject as follows.

"Lord Hillsborough was so much offended by the decision of the Privy Council, that he resigned upon it. He resigned for that reason only. He had conceived an idea, and was forming the plan, of a boundary line to be drawn from the Hudson River to the Mississippi, and thereby confining the British colonies between that line and the ocean, similar to the scheme of the French after the peace of Aix-la-Chapelle, which brought on the war of 1756. His favorite project being thus defeated, he quitted the ministry. Dr. Franklin's answer to the Report of the Board of Trade was intended to have been published; but, Lord Hillsborough resigning, Dr. Franklin stopped the sale on the morning of the publication, when not above five copies had been disposed of." — Editor.

REPORT

Of the Lords Commissioners for Trade and Plantations, on the Petition of the Honorable Thomas Walpole and his Associates, for a Grant of Lands on the River Ohio, in North America.

"My Lords,

"Pursuant to your Lordships' order of the 25th May, 1770, we have taken into our consideration the humble memorial of the Honorable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, Esquires, in behalf of themselves and their associates, setting forth among other things, 'That they presented a

petition to his Majesty in Council, for a grant of lands in America (parcel of the lands purchased by government of the Indians) in consideration of a price to be paid in purchase of the same; that, in pursuance of a suggestion which arose when the said petition was under consideration of the Lords Commissioners for Trade and Plantations, the memorialists presented a petition to the Lords Commissioners of the Treasury, proposing to purchase a larger tract of land on the River Ohio in America, sufficient for a separate government; whereupon their Lordships were pleased to acquaint the memorialists, they had no objection to accepting the proposals made by them, with respect to the purchase money and quitrent to be paid for the said tract of land, if it should be thought advisable by those departments of government, to whom it belonged to judge of the propriety of the grant, both in point of policy and justice, that the grant should be made; in consequence whereof the memorialists humbly renew their application, that a grant of said lands may be made to them, reserving therein to all persons their just and legal rights to any parts or parcels of said lands, which may be comprehended within the tract prayed for by the memorialists;' whereupon we beg leave to report to your Lordships,

"I. That, according to the description of the tract of land prayed for by the memorialists, which description is annexed to their memorial, it appears to us to contain part of the dominion of Virginia, to the south of the River Ohio, and to extend several degrees of longitude westward from the western ridge of the Appalachian Mountains, as will more fully appear to your Lordships from the annexed sketch of the said tract, which we have since caused to be delineated with as much exactness as possible, and herewith submit to

your Lordships, to the end that your Lordships may judge, with the greater precision, of the situation of the lands prayed for in the memorial.

"II. From this sketch your Lordships will observe, that a very considerable part of the lands prayed for lies beyond the line, which has, in consequence of his Majesty's orders for that purpose, been settled by treaty, as well with the tribes of the Six Nations and their confederates, as with the Cherokee Indians, as the boundary line between his Majesty's territories and their hunting grounds; and as the faith of the crown is pledged in the most solemn manner, both to the Six Nations and to the Cherokees, that, notwithstanding the former of these nations had ceded the property in the lands to his Majesty, yet no settlement shall be made beyond that line, it is our duty to report to your Lordships our opinion, that it would on that account be highly improper to comply with the request of the memorial, so far as it includes any lands beyond the said line.

"It remains, therefore, that we report to your Lordships our opinion, how far it may consist with good policy and with justice, that his Majesty should comply with that part of the memorial which relates to those lands, which are situated to the east of that line, and are part of the dominion of Virginia.

"III. And, first, with regard to the policy, we take leave to remind your Lordships of that principle, which was adopted by this Board, and approved and confirmed by his Majesty, immediately after the treaty of Paris, viz. the confining the western extent of settlements to such a distance from the seacoast, as that those settlements should lie *within the reach of the trade and commerce of this kingdom*, upon which the strength and riches of it depend, and also of the

exercise of that authority and jurisdiction, which was conceived to be necessary for the preservation of the colonies in a due subordination to, and dependence upon, the mother country. And these we apprehend to have been two capital objects of his Majesty's proclamation of the 7th of October, 1763, by which his Majesty declares it to be his royal will and pleasure, to reserve under his sovereignty, protection, and dominion, for the use of the Indians, all the lands not included within the three new governments, the limits of which are described therein, as also all the lands and territories lying to the westward of the sources of the rivers, which fall into the sea from the west and northwest; and by which all persons are forbid to make any purchases or settlements whatever, or to take possession of any of the lands above reserved, without special license for that purpose.

"IV. It is true, indeed, that, partly from want of precision in describing the line intended to be marked out by the proclamation of 1763, and partly from a consideration of justice in regard to legal titles to lands, which had been settled beyond that line, it has been since thought fit to enter into engagements with the Indians, for fixing a more precise and determinate boundary between his Majesty's territories and their hunting grounds.

"V. By this boundary, so far as regards the case now in question, your Lordships will observe, that the hunting grounds of the Indians are reduced within narrower limits, than were specified by the proclamation of 1763. We beg leave, however, to submit to your Lordships, that the same principles of policy, in reference to settlements at so great a distance from the seacoast as to be out of the reach of all advantageous intercourse with this kingdom, continue to exist in their

full force and spirit; and, though various propositions for erecting new colonies in the interior parts of America have been, in consequence of this extension of the boundary line, submitted to the consideration of government, (particularly in that part of the country wherein are situated the lands now prayed for, with a view to that object,) yet the dangers and disadvantages of complying with such proposals have been so obvious, as to defeat every attempt made for carrying them into execution.

"VI. Many objections, besides those which we have already stated, occur to us to propositions of this kind; but as every argument on this subject is collected together, with great force and precision, in a representation made to his Majesty by the Commissioners for Trade and Plantations in March, 1768, we beg leave to state them to your Lordships in their words.

"In that representation they deliver their opinion upon a proposition for settling new colonies in the interior country as follows, viz.

"'The proposition of forming inland colonies in America is, we humbly conceive, entirely new. It adopts principles in respect to American settlements, different from what has hitherto been the policy of this kingdom, and leads to a system, which, if pursued through all its consequences, is, in the present state of that country, of the greatest importance.

"'The great object of colonizing upon the continent of North America has been to improve and extend the commerce, navigation, and manufactures of this kingdom, upon which its strength and security depend.

"'1. By promoting the advantageous fishery carried on upon the northern coast.

"'2. By encouraging the growth and culture of naval stores, and of raw materials, to be transported

hither in exchange for perfect manufactures and other merchandise.

"'3. By securing a supply of lumber, provisions, and other necessaries, for the support of our establishments in the American islands.

"'In order to answer these salutary purposes it has been the policy of this kingdom to confine her settlements, as much as possible to the seacoast, and not to extend them to places inaccessible to shipping, and consequently more out of the reach of commerce; a plan, which, at the same time that it secured the attainment of these commercial objects, had the further political advantage of guarding against all interfering of foreign powers, and of enabling this kingdom to keep up a superior naval force in those seas, by the actual possession of such rivers and harbours, as were proper stations for fleets in time of war.

"'Such, may it please your Majesty, have been the considerations inducing that plan of policy hitherto pursued in the settlement of your Majesty's American colonies, with which the private interest and sagacity of the settlers coöperated from the first establishments formed upon that continent. It was upon these principles, and with these views, that government undertook the settling of Nova Scotia in 1749; and it was from a view of the advantages represented to arise from it in these different articles, that it was so liberally supported by the aid of Parliament.

"'The same motives, though operating in a less degree, and applying to fewer objects, did, as we humbly conceive, induce the forming the colonies of Georgia, East Florida, and West Florida, to the south, and the making those provincial arrangements in the proclamation of 1763, by which the interior country was left to the possession of the Indians.

"'Having thus briefly stated what has been the policy of this kingdom in respect to colonizing in America, it may be necessary to take a cursory view of what has been the effect of it in those colonies, where there has been sufficient time for that effect to discover itself; because, if it shall appear from the present state of these settlements, and the progress they have made, that they are likely to produce the advantages above stated, it will, we humbly apprehend, be a very strong argument against forming settlements in the interior country; more especially, when every advantage, derived from an established government, would naturally tend to draw the stream of population; fertility of soil and temperature of climate offering superior incitements to settlers, who, exposed to few hardships, and struggling with few difficulties, could, with little labor, earn an abundance for their own wants, but without a possibility of supplying ours with any considerable quantities. Nor would these inducements be confined in their operation to foreign emigrants, determining their choice where to settle, but would act most powerfully upon the inhabitants of the northern and southern latitudes of your Majesty's American dominions; who, ever suffering under the opposite extremes of heat and cold, would be equally tempted by a moderate climate to abandon latitudes peculiarly adapted to the production of those things, which are by nature denied to us; and for the whole of which we should, without their assistance, stand indebted to, and dependent upon, other countries.

"'It is well known, that, antecedent to the year 1749, all that part of the seacoast of the British empire in America, which extends northeast from the province of Maine to Canceau in Nova Scotia, and from thence north to the mouth of the St. Lawrence River, lay

waste and neglected; though naturally affording, or capable by art of producing, every species of naval stores; the seas abounding with whale, cod, and other valuable fish, and having many great rivers, bays, and harbours, fit for the reception of ships of war. Thus circumstanced, a consideration of the great commercial advantages, which would follow from securing the possession of this country, combined with the evidence of the value set upon it by our enemies, who, during the war which terminated at that period, had, at an immense expense, attempted to wrest it from us, induced that plan, for the settlement of Nova Scotia, to which we have before referred; and which, being prosecuted with vigor, though at a very large expense to this kingdom, secured the possession of that province, and formed those establishments which contributed so greatly to facilitate and promote the success of your Majesty's arms in the late war.

"'The establishment of government in this part of America, having opened to the view and information of your Majesty's subjects in other colonies the great commercial advantages to be derived from it, induced a zeal for migration; and associations were formed for taking up lands, and making settlements, in this province, by principal persons residing in these colonies.

"'In consequence of these associations, upwards of ten thousand souls have passed from those colonies into Nova Scotia, who have either engaged in the fisheries, or become exporters of lumber and provisions to the West Indies. And further settlements, to the extent of twenty-one townships, of one hundred thousand acres each, have been engaged to be made there, by many of the principal persons in Pennsylvania, whose names and association for that purpose now lie before your Majesty in Council.

"'The government of Massachusetts Bay, as well as the proprietors of large tracts to the eastward of the province of Maine, excited by the success of these settlements, are giving every encouragement to the like settlements in that valuable country lying between them and Nova Scotia; and the proprietors of the twelve townships lately laid out there, by the Massachusetts government, now solicit your Majesty for a confirmation of their title.

"'Such, may it please your Majesty, is the present state of the progress making in the settlement of the northern parts of the seacoasts of North America, in consequence of what appears to have been the policy adopted by this kingdom; and many persons of rank and substance here are proceeding to carry into execution the plan, which your Majesty (pursuing the same principles of commercial policy) has approved, for the settlement of the Islands of St. John and Cape Breton, and of the new-established colonies to the south; and, therefore, as we are fully convinced, that the encouraging settlements upon the seacoast of North America is founded in the true principles of commercial policy; and as we find, upon examination, that the happy effects of that policy are now beginning to open themselves, in the establishment of those branches of commerce, culture, and navigation, upon which the strength, wealth, and security of this kingdom depend; we cannot be of opinion, that it would in any view be advisable to divert your Majesty's subjects in America, from the pursuit of those important objects, by adopting measures of a new policy, at an expense to this kingdom, which in its present state it is unable to bear.

"'This, may it please your Majesty, being the light in which we view the proposition of colonizing in the interior country, considered as a general principle of

policy; we shall, in the next place, proceed to examine the several arguments urged in support of the particular establishments now recommended.

"'These arguments appear to us reducible to the following general propositions, viz.

"'First, That such colonies will promote population, and increase the demands for, and consumption of, British manufactures.

"'Secondly, That they will secure the fur trade, and prevent an illicit trade, or interfering of French or Spaniards with the Indians.

"'Thirdly, That they will be a defence and protection to the old colonies against the Indians.

"'Fourthly, That they will contribute to lessen the present heavy expense of supplying provisions to the distant forts and garrisons.

"'Lastly, That they are necessary in respect to the inhabitants already residing in those places, where they are proposed to be established, who require some form of civil government.

"'After what we have already stated, with respect to the policy of encouraging colonies in the interior country as a general principle, we trust it will not be necessary to enter into an ample discussion of the arguments brought to support the foregoing propositions.

"'We admit, as an undeniable principle of true policy, that, with a view to prevent manufactures, it is necessary and proper to open an extent of territory for colonization proportioned to the increase of people, as a large number of inhabitants cooped up in narrow limits, without a sufficiency of land for produce, would be compelled to convert their attention and industry to manufactures; but we submit whether the encouragement given to the settlement of the colonies upon the seacoast, and the effect which such encouragement has

had, have not already effectually provided for this object, as well as for increasing the demand for, and consumption of, British manufactures, an advantage which, in our humble opinion, would not be promoted by these new colonies, which, being proposed to be established at the distance of above fifteen hundred miles from the sea, and in places which, upon the fullest evidence, are found to be utterly inaccessible to shipping, will, from their inability to find returns wherewith to pay for the manufactures of Great Britain, be probably led to manufacture for themselves; a consequence which experience shows has constantly attended in a greater or lesser degree every inland settlement, and therefore ought, in our humble opinion, to be carefully guarded against, by encouraging the settlement of that extensive tract of seacoast hitherto unoccupied; which, together with the liberty that the inhabitants of the middle colonies will have (in consequence of the proposed boundary line with the Indians) of gradually extending themselves backwards, will more effectually and beneficially answer the object of encouraging population and consumption, than the erection of new governments. Such gradual extension might, through the medium of a continued population, upon even the same extent of territory, preserve a communication of mutual commercial benefits between its extremest parts and Great Britain, impossible to exist in colonies separated by immense tracts of unpeopled desert.

"'As to the effect which it is supposed the colonies may have to increase and promote the fur trade, and to prevent all contraband trade or intercourse between the Indians under your Majesty's protection, and the French or Spaniards; it does appear to us, that the extension of the fur trade depends entirely upon the Indians being undisturbed in the possession of their

hunting grounds; that all colonizing does in its nature, and must in its consequences, operate to the prejudice of that branch of commerce; and that the French and Spaniards would be left in possession of a great part of what remained; as New Orleans would still continue the best and surest market.

"'As to the protection, which it is supposed these new colonies may be capable of affording to the old ones, it will, in our opinion, appear upon the slightest view of their situation, that, so far from affording protection to the old colonies, they will stand most in need of it themselves.

"'It cannot be denied, that new colonies would be of advantage in raising provisions for the supply of such forts and garrisons, as may be kept up in the neighbourhood of them; but, as the degree of utility will be proportioned to the number and situation of these forts and garrisons, which, upon the result of the present inquiry, it may be thought advisable to continue, so the force of argument will depend upon that event.

"'The present French inhabitants in the neighbourhood of the Lakes will, in our humble opinion, be sufficient to furnish with provisions whatever posts may be necessary to be continued there; and, as there are also French inhabitants settled in some parts of the country lying upon the Mississippi, between the rivers Illinois and the Ohio, it is to be hoped that a sufficient number of these may be induced to fix their abode, where the same convenience and advantage may be derived from them. But, if no such circumstance were to exist, and no such assistance to be expected from it, the objections stated to the plan now under our consideration are superior to this, or any other advantage it can produce; and, although civil establishments have frequently rendered the expense of an armed force necessary for

their protection, one of the many objections to these now proposed, yet we humbly presume there never has been an instance of a government instituted merely with a view to supply a body of troops with suitable provisions; nor is it necessary in these instances for the settlements, already existing as above described, which, being formed under military establishments, and ever subjected to military authority, do not, in our humble opinion, require any other superintendence than that of the military officers commanding at these posts.'

"In addition to this opinion of the Board of Trade, expressed in the foregoing recital, we further beg leave to refer your Lordships to the opinion of the commander-in-chief of his Majesty's forces in North America, who, in a letter laid before us by the Earl of Hillsborough, delivers his sentiments with regard to settlements in the interior parts of America in the following words, viz.

"VII. 'As to increasing the settlements to respectable provinces, and to colonization in general terms in the remote countries, I conceive it altogether inconsistent with sound policy; for there is little appearance that the advantages will arise from it, which nations expect when they send out colonies into foreign countries. They can give no encouragement to the fishery, and, though the country might afford some kind of naval stores, the distance would be too far to transport them; and for the same reason they could not supply the sugar islands with lumber and provisions. As for the raising wine, silk, and other commodities, the same may be said of the present colonies without planting others for the purpose at so vast a distance; but, on the supposition that they would be raised, their very long transportation must probably make them too dear for any market.

"'I do not apprehend the inhabitants could have any commodities to barter for manufactures, except skins and furs, which will naturally decrease, as the country increases in people, and the deserts are cultivated; so that, in the course of a few years, necessity would force them to provide manufactures of some kind for themselves; and, when all connexion upheld by commerce with the mother country shall cease, it may be expected, that an independency on her government will soon follow; the pretence of forming barriers will have no end; wherever we settle, however remote, there must be a frontier; and there is room enough for the colonists to spread within our present limits, for a century to come.

"'If we reflect how the people of themselves have gradually retired from the coast, we shall be convinced they want no encouragement to desert the seacoast, and go into the back countries, where the lands are better and got upon easier terms; they are already almost out of the reach of law and government; neither the endeavours of government, nor fear of Indians, has kept them properly within bounds; and it is apparently most for the interest of Great Britain to confine the colonies on the side of the back country, and to direct their settlements along the seacoast, where millions of acres are yet uncultivated. The lower provinces are still thinly inhabited and brought to the point of perfection, that has been aimed at for the mutual benefit of Great Britain and themselves.

"'Although America may supply the mother country with many articles, few of them are yet supplied in quantities equal to her consumption; the quantity of iron transported is not great, of hemp very small, and there are many other commodities, not necessary to enumerate, which America has not yet been able to

raise, notwithstanding the encouragement given her by bounties and premiums. The laying open new tracts of fertile territory in moderate climates might lessen her present produce; for it is the passion of every man to be a landholder, and the people have a natural disposition to rove in search of good lands, however distant. It may be a question likewise, whether colonization of the kind could be effected without an Indian war and fighting for every inch of ground. The Indians have long been jealous of our power, and have no patience in seeing us approach their towns, and settle upon their hunting grounds; atonements may be made for a fraud discovered in a trader, and even the murder of some of their tribes, but *encroachments* upon their lands have often produced serious consequences. The springs of the last general war are to be discovered near the Allegany Mountains, and upon the banks of the Ohio.

"'It is so obvious, that settlers might raise provisions to feed the troops, cheaper than it can be transported from the country below, that it is not necessary to explain it; but I must own I know no other use in settlements, nor can give any other reason for supporting forts, than to protect the settlements, and keep the settlers in subjection to government.

"'I conceive, that to procure all the commerce it will afford, and at as little expense to ourselves as we can, is the only object we should have in view in the interior country for a century to come; and I imagine it might be effected, by proper management, without either forts or settlements. Our manufactures are as much desired by the Indians, as their peltry is sought for by us; what was originally deemed a superfluity, or a luxury, by the natives, is now become a necessary; they are disused to the bow, and can neither hunt nor make

war without fire-arms, powder, and lead. The British provinces can only supply them with their necessaries, which they know, and for their own sakes would protect the trader, which they actually do at present. It would remain with us to prevent the traders being guilty of frauds and impositions, and to pursue the same methods to that end, as are taken in the southern district; and I must confess, though the plan pursued in that district might be improved by proper laws to support it, that I do not know a better or more economical plan for the management of trade; there are neither forts nor settlements in the southern department, and there are both in the northern department; and your Lordships will be the best judge, which of them has given you the least trouble; in which we have had the fewest quarrels with, or complaints from, the Indians.

"'I know of nothing so liable to bring on a serious quarrel with Indians, as an invasion of their property. Let the savages enjoy their deserts in quiet; little bickerings that may unavoidably sometimes happen, may soon be accommodated; and I am of opinion, independent of the motives of common justice and humanity, that the principles of interest and policy should induce us rather to protect than molest them. Were they driven from their forests, the peltry trade would decrease; and it is not impossible that worse savages would take refuge in them, for they might then become the asylum of fugitive negroes, and idle vagabonds escaped from justice, who in time might become formidable, and subsist by rapine, and plundering the lower countries.'

"VIII. The opinions delivered in the foregoing recitals are so accurate and precise, as to make it almost unnecessary to add any thing more. But we beg leave

to lay before your Lordships the sentiments of his Majesty's governor of Georgia, upon the subject of large grants in the interior parts of America, whose knowledge and experience in the affairs of the colonies give great weight to his opinion.

"In a letter to us, on the subject of the mischiefs attending such grants, he expresses himself in the following manner, viz.

"'And now, my Lords, I beg your patience a moment, while I consider this matter in a more extensive point of view, and go a little further in declaring my sentiments and opinion, with respect to the granting of large bodies of land, in the back parts of the province of Georgia, or in any other of his Majesty's northern colonies, at a distance from the seacoast, or from such parts of any province as is already settled and inhabited.

"'And this matter, my Lords, appears to me in a very serious and alarming light, and I humbly conceive may be attended with the greatest and worst of consequences. For, my Lords, if a vast territory be granted to any set of gentlemen, who really mean to people it, and actually do so, it must draw and carry out a great number of people from Great Britain; and I apprehend they will soon become a kind of separate and independent people, and who will set up for themselves; that they will soon have manufactures of their own; that they will neither take supplies from the mother country, nor from the provinces, at the back of which they are settled; that, being at a distance from the seat of government, courts, magistrates, &c. &c., they will be out of the reach and control of law and government; that it will become a receptacle and kind of asylum for offenders, who will fly from justice to such new country or colony; and therefore crimes and offences will be committed, not only by the inhabitants

of such new settlements, but elsewhere, and pass with impunity; and that, in process of time (and perhaps at no great distance), they will become formidable enough to oppose his Majesty's authority, disturb government, and even give law to the other or first settled part of the country, and throw every thing into confusion.

"'My Lords, I hope I shall not be thought impertinent, when I give my opinion freely, in a matter of so great consequence, as I conceive this to be; and, my Lords, I apprehend, that in all the American colonies, great care should be taken, that the lands on the seacoast should be thick settled with inhabitants, and well cultivated and improved; and that the settlements should be gradually extended back into the province, and as much connected as possible, to keep the people together in as narrow a compass, as the nature of the lands and state of things will admit of; and by which means there would probably become only one general view and interest amongst them, and the power of government and law would of course naturally and easily go with them, and matters thereby properly regulated and kept in due order and obedience; and they would have no idea of resisting or transgressing either, without being amenable to justice, and subject to punishment for offences they may commit.

"'But, my Lords, to suffer a kind of *province within a province*, and one that may, indeed must, in process of time, become superior, and too big for the head, or original settlement or seat of government, to me conveys with it many ideas of consequences of such a nature, as I apprehend are extremely dangerous and improper, and it would be the policy of government to avoid and prevent, whilst in their power to do so.

"'My ideas, my Lords, are not chimerical; I know something of the situation and state of things in Amer-

ica; and from some little occurrences or instances that have already really happened, I can very easily figure to myself what may, and, in short, what will certainly happen, if not prevented in time.'

"IX. At the same time that we submit the foregoing reasons against colonization in the interior country to your Lordships' consideration, it is proper we should take notice of one argument, which has been invariably held forth in support of every proposition of this nature, and upon which the present proponents appear to lay great stress. It is urged, that such is the state of the country now proposed to be granted, and erected into a separate government, that no endeavours on the part of the crown can avail, to prevent its being settled by those, who, by the increase of population in the middle colonies, are continually emigrating to the westward, and forming themselves into colonies in that country, without the intervention or control of government, and who, if suffered to continue in that lawless state of anarchy and confusion, will commit such abuses as cannot fail of involving us in quarrel and dispute with the Indians, and thereby endangering the security of his Majesty's colonies.

"We admit, that this is an argument that deserves attention; and we rather take notice of it in this place, because some of the objections stated by Governor Wright lose their force, upon the supposition that the grants against which he argues are to be erected into separate governments. But we are clearly of opinion, that his arguments do, in the general view of them, as applied to the question of granting lands in the interior parts of America, stand unanswerable; and, admitting that the settlers in the country in question are as numerous as report states them to be, yet we submit to your Lordships, that this is a fact which does, in the

nature of it, operate strongly in point of argument against what is proposed; for, if the foregoing reasoning has any weight, it certainly ought to induce your Lordships to advise his Majesty to take every method to check the progress of these settlements, and *not* to make such grants of the land as will have an immediate tendency to encourage them; a measure which we conceive is altogether as unnecessary as it is impolitic, as we see nothing to hinder the government of Virginia from extending the laws and constitution of that colony to such persons as may have already settled there under legal titles.

"X. And there is one objection suggested by Governor Wright to the extension of settlements in the interior country, which we submit, deserves your Lordships' particular attention, viz. the encouragement that is thereby held out to the emigration of his Majesty's European subjects; an argument which, in the present peculiar situation of this kingdom, demands very serious consideration, and has for some time past had so great weight with this Board, that it has induced us to deny our concurrence to many proposals for grants of land, even in those parts of the continent of America where, in all other respects, we are of opinion, that it consists with the true policy of this kingdom to encourage settlements; and this consideration of the certain bad consequences which must result from a continuance of such emigrations as have lately taken place from various parts of his Majesty's European dominions, added to the constant drains to Africa, to the East Indies, and to the new-ceded islands, will, we trust, with what has been before stated, be a sufficient answer to every argument that can be urged in support of the present memorial, so far as regards the consideration of it in point of policy.

"XI. With regard to the propriety, in point of jus-

tice, of making the grant desired, we presume this consideration can have reference only to the case of such persons who have already possession of lands in that part of the country, under legal titles derived from grants made by the governor and Council of Virginia; upon which case we have only to observe, that it does appear to us, that there are some such possessions held by persons who are not parties to the present memorial; and therefore, if your Lordships shall be of opinion, that the making the grant desired would, notwithstanding the reservation proposed, in respect to such titles, have the effect to disturb those possessions, or to expose the proprietors to suit and litigation, we do conceive, that, in that case, the grant would be objectionable in point of justice.

"XII. Upon the whole, therefore, we cannot recommend to your Lordships to advise his Majesty to comply with the prayer of this memorial, either as to the erection of any parts of the lands into a separate government, or the making a grant of them to the memorialists; but, on the contrary, we are of opinion, that settlements in that distant part of the country should be as much discouraged as possible; and that, in order thereto, it will be expedient, not only that the orders which have been given to the governor of Virginia, not to make any further grants beyond the line prescribed by the proclamation of 1763, should be continued and enforced, but that another proclamation should be issued, declaratory of his Majesty's resolution not to allow, for the *present*, any new settlements beyond that line, and to forbid all persons from taking up or settling any lands in that part of the country.

"We are, my Lords,

"Your Lordships' most obedient and

"Most humble servants.

"*Whitehall, April 15th*, 1772."

DR. FRANKLIN'S ANSWER TO THE FOREGOING REPORT.

I. The first paragraph of the Report, we apprehend, was intended to establish two propositions as facts; viz.

First, That the tract of land, agreed for with the Lords Commissioners of the Treasury, contains part of the dominion of Virginia.

Secondly, That it extends several degrees of longitude *westward* from the western ridge of the Allegany Mountains.

On the first proposition we shall only remark, that no part of the above tract is to the *eastward* of the Allegany Mountains, and that those mountains must be considered as the true western boundary of Virginia; for the King was not seised and possessed of a right to the country westward of the mountains, until his Majesty purchased it, in the year 1768, from the Six Nations; and, since that time, there has not been any annexation of such purchase, or of any part thereof, to the colony of Virginia.

On the second proposition we shall just observe, that the Lords Commissioners for Trade and Plantations appear to us to be as erroneous in this, as in the former proposition; for their Lordships say, that the tract of land under consideration extends several degrees of longitude westward. The truth is, that it is not more, on a medium, than one degree and a half of longitude from the western ridge of the Allegany Mountains to the River Ohio.

II. It appears, by the second paragraph, as if the Lords Commissioners for Trade and Plantations apprehended, that the lands southwesterly of the boundary line, marked on a map annexed to their Lordships' Report, were either claimed by the Cherokees,

or were their hunting grounds, or were the hunting grounds of the Six Nations and their confederates.

As to any claim of the Cherokees to the above country, it is altogether new and indefensible, and never was heard of until the appointment of Mr. Stuart to the superintendency of the southern colonies, about the year 1764; and this, we flatter ourselves, will not only be obvious from the following state of facts, but that the right to all the country on the southerly side of the River Ohio, quite to the Cherokee River, is now undoubtedly vested in the King, by the grant which the Six Nations made to his Majesty at Fort Stanwix, in November, 1768. In short, the lands from the Great Kenhawa to the Cherokee River never were either the dwelling or hunting grounds of the Cherokees; but formerly belonged to, and were inhabited by, the Shawanese, until such time as they were conquered by the Six Nations.

Mr. Colden, the present lieutenant-governor of New York, in his "History of the Five Nations," observes, that, about the year 1664, "the Five Nations, being amply supplied by the English with fire-arms and ammunition, gave a full swing to their warlike genius. They carried their arms as far south as Carolina, to the northward of New England, and as far west as the River Mississippi, over a vast country, which extended twelve hundred miles in length from north to south, and about six hundred miles in breadth, where they entirely destroyed whole nations, of whom there are no accounts remaining among the English."

In 1701, the Five Nations put all their hunting lands under the protection of the English, as appears by the records, and by the recital and confirmation thereof, in their deed to the King of the 4th September, 1726; and Governor Pownall, who many years ago diligently

searched into the rights of the natives, and in particular into those of the northern confederacy, says, in his book entitled the *Administration of the Colonies*, "The right of the Five-Nation confederacy to the hunting lands of Ohio, Ticûcksouchrondite and Scaniaderiada, by the conquest they made in subduing the Shaôanoes, Delawares (as we call them), Twigtwees, and Oilinois, may be fairly proved, as they stood possessed thereof at the peace of Ryswick, 1697." And confirmatory hereof, Mr. Lewis Evans, a gentleman of great American knowledge, in his Map of the middle colonies, published in America in the year 1755, has laid down the country on the southeasterly side of the River Ohio, as the hunting lands of the Six Nations; and in his Analysis to this Map, he expressly says; "The Shawanese, who were formerly one of the most considerable nations of those parts of America, whose seat extended from Kentucky southwestward to the Mississippi, have been subdued by the confederates (or Six Nations), and the country since became their property. No nation," Mr. Evans adds, "held out with greater resolution and bravery; and, although they have been scattered in all parts for a while, they are again collected on Ohio, under the dominion of the confederates."

At a Congress held in the year 1744, by the provinces of Pennsylvania, Maryland, and Virginia, with the Six Nations, the commissioners of Virginia, in a speech to the sachems and warriors of that confederacy, say; "Tell us what nations of Indians you conquered any lands from in Virginia, how long it is since, and what possession you have had; and if it does appear, that there is any land on the borders of Virginia, that the Six Nations have a right to, we are willing to make you satisfaction."

To this speech, the Six Nations gave the following animated and decisive answer. "All the world knows we conquered the several nations living on Susquehanna, Cohongoranto [that is, Potomac], and on the back of the great mountains in Virginia; the Conoy-uck-suck-roona, Cock-now-was-roonan, Tohoa-irough-roonan, and Connutskin-ough-roonaw feel the effects of our conquests, being now a part of our nations, and their lands at our disposal. We know very well, it hath often been said by the Virginians, that the King of England and the people of that colony conquered the people who lived there; but it is not true. We will allow they conquered the Sachdagughronaw, and drove back the Tuskaroras [the first resided near the branches of James River in Virginia, and the latter on these branches], and that they have, on that account, a right to some parts of Virginia; but, as to what lies beyond the mountains, we conquered the nations residing there, and that land, if the Virginians ever get a good right to it, it must be by us."

In the year 1750, the French seized four English traders, who were trading with the Six Nations, Shawanese, and Delawares, on the waters of the Ohio, and sent them prisoners to Quebec, and from thence to France.

In 1754, the French took a formal possession of the River Ohio, and built forts at Venango, at the confluence of the Ohio and Monongahela, and at the mouth of the Cherokee River.

In 1755, General Braddock was sent to America with an army to remove the French from their possessions over the Allegany Mountains and on the River Ohio; and on his arrival at Alexandria, he held a council of war with the governors of Virginia, Maryland, Pennsylvania, New York, and the Massachusetts Bay;

and, as these gentlemen well knew, that the country claimed by the French, over the Allegany Mountains, and southwesterly to the River Mississippi, was the unquestionable property of the Six Nations, and not of the Cherokees, or any other tribe of Indians, the general gave instructions to Sir William Johnson to call together the Indians of the Six Nations, and lay before them their beforementioned grant to the King in 1726, wherein they had put all their hunting lands under his Majesty's protection, to be guarantied to them and to their use. And, as General Braddock's instructions are clearly declaratory of the right of the Six Nations to the lands under consideration, we shall here transcribe the conclusive words of them; "And, it appearing that the French have, from time to time, by fraud and violence, built strong forts within the limits of the said lands, contrary to the covenant chain of the said deed and treaties, you are, in my name, to assure the said nations, that I am come by his Majesty's order to destroy all the said forts, and to build such others, as shall protect and secure the said lands to them, their heirs and successors for ever, according to the intent and spirit of the said treaty; and I do therefore call upon them to take up the hatchet and come and take possession of their own lands."

That General Braddock and the American governors were not singular in their opinion, as to the right of the Six Nations to the land over the Allegany Mountains, and on both sides of the River Ohio, quite to the Mississippi, is evident from the memorials, which passed between the British and French courts in 1755.

In a memorial delivered by the King's ministers on the 7th June, 1755, to the Duc de Mirepoix, relative to the pretensions of France to the abovementioned lands, they very justly observed; "As to the exposition,

which is made in the French memorial of the fifteenth article of the treaty of Utrecht, the court of Great Britain does not think it can have any foundation, either by the words or the intention of this treaty.

"The court of Great Britain cannot allow of this article, relating only to the persons of the savages, and not their country. The words of this treaty are clear and precise, that is to say, the Five Nations, or Cantons, are subject to the dominion of Great Britain, which, by the received exposition of all treaties, must relate to the country, as well as to the persons of the inhabitants; it is what France has acknowledged, in the most solemn manner; she had well weighed the importance of this acknowledgment, at the time of signing this treaty, and Great Britain can never give it up. The countries possessed by these Indians are very well known, and are not at all so undetermined, as it is pretended in the memorial; they possess and make them over, as other proprietors do in all other places."

"Whatever pretext might be alleged by France, in considering these countries as the appurtenances of Canada, it is a certain truth, that they have belonged, and (as they have not been given up or made over to the English) belong still, to the same Indian nations; which, by the fifteenth article of the treaty of Utrecht, France agreed not to molest, *Nullo in posterum impedimento aut molestiâ afficiant.*"

"Notwithstanding all that has been advanced in this article, the court of Great Britain cannot agree to France having the least title to the River Ohio, and the territory in question." [N. B. This was all the country from the Allegany Mountains to the Ohio, and down the same and on both sides thereof to the River Mississippi.]

"Even that of possession is not, nor can it be alleged

on this occasion; since France cannot pretend to have had any such before the treaty of Aix-la-Chapelle, nor since, unless it be that of certain forts, unjustly erected lately on the lands, which evidently belong to the Five Nations, or which these have made over to the crown of Great Britain or its subjects, as may be proved by treaties and acts of the greatest authority. What the court of Great Britain maintained, and what it insists upon, is, that the Five Nations of the Iroquois, acknowledged by France to be the subjects of Great Britain, are, by origin or by right of conquest, the lawful proprietors of the River Ohio, and the territory in question. And, as to the territory, which has been yielded and made over by these people to Great Britain (which cannot but be owned must be the most just and lawful manner of making an acquisition of this sort), she reclaims it, as belonging to her, having continued cultivating it for above twenty years past, and having made settlements in several parts of it, from the sources even of the Ohio to Pichawillanes, in the centre of the territory between the Ohio and the Wabash."

In 1755, the Lords Commissioners for Trade and Plantations were so solicitous to ascertain the territory of the Six Nations, that Dr. Mitchell, by their desire, published a large map of North America; and Mr. Pownall, the present secretary of the Board of Trade, then certified, as appears on the map, that the Doctor was furnished with documents for the purpose from that Board. In this map, Dr. Mitchell observes, "that the Six Nations have extended their territories, ever since the year 1672, when they subdued and were incorporated with the ancient Shawanese, the native proprietors of these countries, and the River Ohio; besides which, they likewise claim a right of conquest over the Illinois, and all the Mississippi, as far as they extend. This," he adds,

"is confirmed by their own claims and possessions in 1742, which include all the bounds here laid down, and none have ever thought fit to dispute them." And, in confirmation of this right of the Six Nations to the country on the Ohio, as mentioned by the King's ministers in their memorial to the Duc de Mirepoix, in 1755, we would just remark, that the Six Nations, Shawanese, and Delawares were in the actual occupation of the lands southward of the Great Kenhawa, for some time after the French had encroached upon the River Ohio; and that, in the year 1752, these tribes had a large town on Kentucky River, two hundred and thirty-eight miles below the Scioto; that, in the year 1753, they resided and hunted on the southerly side of the River Ohio, in the low country, at about three hundred and twenty miles below the Great Kenhawa; and, in the year 1755, they had also a large town opposite to the mouth of the Scioto, at the very place which is the southern boundary line of the tract of land applied for by Mr. Walpole and his associates. But it is a certain fact that the Cherokees never had any towns or settlements in the country, southward of the Great Kenhawa; that they do not hunt there, and that neither the Six Nations, Shawanese, nor Delawares do now reside or hunt on the southerly side of the River Ohio, nor did for several years before they sold the country to the King. These are facts, which can be easily and fully proved.

In October, 1768, at a Congress held with the Six Nations at Fort Stanwix, they observed to Sir William Johnson; "Now, brother, you, who know all our affairs, must be sensible, that our rights go much farther to the southward than the Kenhawa, and that we have a very good and clear title as far south as the Cherokee River, which we cannot allow to be the right of any other

Indians, without doing wrong to our posterity, and acting unworthy those warriors, who fought and conquered it; we therefore expect our right will be considered."

In November, 1768, the Six Nations sold to the King all the country on the southerly side of the River Ohio, as far as the Cherokee River; but, notwithstanding that sale, as soon as it was understood in Virginia, that government favored the pretensions of the Cherokees, and that Dr. Walker and Colonel Lewis (the commissioners sent from that colony to the Congress at Fort Stanwix) had returned from thence, the late Lord Botetourt sent these gentlemen to Charleston, South Carolina, to endeavour to convince Mr. Stuart, the southern superintendent of Indian affairs, of the necessity of enlarging the boundary line which he had settled with the Cherokees; and to run it from the Great Kenhawa to Holston River. These gentlemen were appointed commissioners by his Lordship, as they had been long conversant in Indian affairs, and were well acquainted with the actual extent of the Cherokee country. Whilst these commissioners were in South Carolina, they wrote a letter to Mr. Stuart, as he had been but a very few years in the Indian service, (and could not, from the nature of his former employment, be supposed to be properly informed about the Cherokee territory,) respecting the claims of the Cherokees to the lands southward of the Great Kenhawa, and therein they expressed themselves as follows.

"*Charleston, South Carolina, February 2d*, 1769. — The country southward of the Big Kenhawa was never claimed by the Cherokees, and now is the property of the crown, as Sir William Johnson purchased it of the Six Nations at a very considerable expense, and took a deed of cession from them at Fort Stanwix."

In 1769, the House of Burgesses of the colony of

Virginia represented to Lord Botetourt, "That they have the greatest reason to fear the said line" (meaning the boundary line, which the Lords Commissioners for Trade and Plantations have referred to in the map annexed to their Lordships' Report), "if confirmed, would constantly open to the Indians, and other enemies to his Majesty, a free and easy ingress to the heart of the country on the Ohio, Holston River, and the Great Kenhawa; whereby the settlements which may be attempted in those quarters will, in all probability, be utterly destroyed, and that great extent of country [at least eight hundred miles in length] from the mouth of the Kenhawa to the mouth of the Cherokee River, extending eastward as far as the Laurel Hill, so lately ceded to his Majesty, to which no tribe of Indians at present set up any pretensions, will be entirely abandoned to the Cherokees; in consequence of which, claims totally destructive of the true interest of his Majesty may at some future time arise, and acquisitions justly ranked among the most valuable of the late war be altogether lost."

From the foregoing detail of facts, it is obvious,

1. That the country southward of the Great Kenhawa, at least as far as the Cherokee River, originally belonged to the Shawanese.

2. That the Six Nations, in virtue of their conquest of the Shawanese, became the lawful proprietors of that country.

3. That the King, in consequence of the grant from the Six Nations, made to his Majesty at Fort Stanwix in 1768, is now vested with the undoubted right and property thereof.

4. That the Cherokees never resided, nor hunted, in that country, and have not any kind of right to it.

5. That the House of Burgesses of the colony of

Virginia have, upon good grounds, asserted, (such as properly arise from the nature of their stations and proximity to the Cherokee country,) that the Cherokees had not any just pretensions to the territory southward of the Great Kenhawa.

And, lastly, That neither the Six Nations, the Shawanese, nor Delawares do now reside or hunt in that country.

From these considerations, it is evident no possible injury can arise to his Majesty's service, to the Six Nations and their confederacy, or to the Cherokees, by permitting us to settle the whole of the lands comprehended within our contract with the Lords Commissioners of the Treasury. If, however, there has been any treaty held with the Six Nations, since the cession made to his Majesty at Fort Stanwix, whereby the faith of the crown is pledged, both to the Six Nations and the Cherokees, that no settlements should be made beyond the line, marked on their Lordships' Report; we say, if such agreement has been made by the orders of government with these tribes, (notwithstanding, as the Lords Commissioners have acknowledged, "the Six Nations had ceded the property in the lands to his Majesty,") we flatter ourselves, that the objection of their Lordships in the second paragraph of their Report will be entirely obviated, by a specific clause being inserted in the King's grant to us, expressly prohibiting us from settling any part of the same, until such time as we shall have first obtained his Majesty's allowance, and full consent of the Cherokees, and the Six Nations and their confederates, for that purpose.*

* The foregoing argument is drawn up with equal ingenuity and ability, but the soundness of its superstructure may well be doubted. It rests on the assumption, that the territory west of the Ohio had belonged to the Six Nations, in virtue of some former conquest. It is true,

III. In regard to the third paragraph of their Lordships' Report, That it was the principle of the Board of Trade, after the treaty of Paris, "to confine the western extent of settlements to such a distance from the seacoast, as that these settlements should lie within the reach of the trade and commerce of this kingdom," &c., we shall not presume to controvert it; but it may be observed, that the settlement of the country over the Allegany Mountains, and on the Ohio, was not understood, either before the treaty of Paris, nor intended

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that the Six Nations set up this claim, and equally true that the English encouraged their pretensions; but it would be very difficult, if not impossible, to establish this point by satisfactory proofs. Indian traditions will hardly be deemed sufficient, especially as the Indians, inhabiting the territory itself, never allowed any such claim; nor was any treaty of cession ever sanctioned by them. It was an easy matter for the Six Nations, residing on the south shore of Lake Ontario, to sell lands situate four or five hundred miles off; and probably they would with the same readiness have sold the whole continent, if they could have found purchasers. The English were interested in upholding their pretended right of conquest, because it enabled them, at the charge of a few hundred pounds expended in blankets, powder, rum, and such trinkets as the Indians wanted, to obtain a title to an immense tract of country, which would have been more troublesome and expensive, and perhaps impracticable, if they had attempted to negotiate with the occupants of the soil.

The treaty of Fort Stanwix, cited above, was signed only by delegates from the Six Nations, that is, the Mohawks, Tuscaroras, Oneidas, Onondagas, Cayugas, and Senecas; although there were present at the treaty two delegates from the Delawares, and one from the Shawanese. Among these was the celebrated Killbuck. That their names should have been withheld, is a suspicious circumstance. Indeed the propriety and validity of the whole proceeding are more than questionable. The lands belonged to the people who inhabited them, and whose ancestors had resided there from time immemorial. These were the only persons from whom a purchase could justly have been made. See Sparks's edition of *Washington's Writings*, Vol. I. p. 21; Vol. II. p. 13.

The strength of Dr. Franklin's argument, however, is in no degree affected by this view of the subject. He assumes no more, than had been taken for granted by the British government, and builds his reasonings on such principles and facts, as were recognised in managing the department of Indian affairs. — Editor.

to be so considered by his Majesty's proclamation of October, 1763, "as without the reach of the trade and commerce of this kingdom," &c.; for, in the year 1748, Mr. John Hanbury, and a number of other gentlemen, petitioned the King for a grant of five hundred thousand acres of land over the Allegany Mountains, and on the River Ohio and its branches; and the Lords Commissioners for Trade and Plantations were then pleased to report to the Lords committee of his Majesty's most honorable Privy Council, "That the settlement of the country lying to the westward of the great mountains, as it was the centre of the British dominions, would be for his Majesty's interest, and the advantage and security of Virginia and the neighbouring colonies."

And on the 23d of February, 1748–9, the Lords Commissioners for Trade and Plantations again reported to the Lords of the committee of the Privy Council, that they had "fully set forth the great utility and advantage of extending our settlements beyond the great mountains, ('which report has been approved of by your Lordships;') and as, by these new proposals, there is a great probability of having a much larger tract of the said country settled than under the former, we are of opinion, that it will be greatly for his Majesty's service, and the welfare and security of Virginia, to comply with the prayer of the petition."

And on the 16th of March, 1748–9, an instruction was sent to the governor of Virginia to grant five hundred thousand acres of land over the Allegany Mountains to the aforesaid Mr. Hanbury and his partners (who are now part of the company of Mr. Walpole and his associates); and that instruction sets forth, that "such settlements will be for our interest, and the advantage and security of our said colony, as well as the advantage of the neighbouring ones; inasmuch

as our loving subjects will be thereby enabled to cultivate a friendship, and carry on a more extensive commerce, with the nations of Indians inhabiting those parts; and such examples may likewise induce the neighbouring colonies to turn their thoughts towards designs of the same nature." Hence, we apprehend, it is evident, that a former Board of Trade, at which the late Lord Halifax presided, was of opinion, that settlements over the Allegany Mountains were not against the King's interest, nor at such a distance from the seacoast, as to be without "the reach of the trade and commerce of this kingdom," nor where its authority or jurisdiction could not be exercised. But the Report under consideration suggests, that two capital objects of the proclamation of 1763 were, to confine future settlements to the "sources of the rivers which fall into the sea from the west and northwest," (or, in other words, to the eastern side of the Allegany Mountains,) and to the three new governments of Canada, East Florida, and West Florida; and to establish this fact, the Lords Commissioners for Trade and Plantations recite a part of that proclamation.

But if the whole of this proclamation is considered, it will be found to contain the nine following heads; viz.*

1. To declare to his Majesty's subjects, that he had erected four distinct and separate governments in America; viz. Quebec, East Florida, West Florida, and Grenada.

2. To ascertain the respective boundaries of these four new governments.

3. To testify the royal sense and approbation of the conduct and bravery, both of the officers and soldiers

* See the Proclamation in the APPENDIX, No. I. p. 374.

of the King's army, and of the reduced officers of the navy, who had served in North America, and to reward them by grants of lands in Quebec, and in East and West Florida, without fee or reward.

4. To hinder the governors of Quebec, East Florida, and West Florida from granting warrants of survey, or passing patents for lands beyond the bounds of their respective governments.

5. To forbid the governors of any other colonies or plantations in America from granting warrants or passing patents for lands beyond the heads or sources of any of the rivers, which fall into the Atlantic Ocean from the west or northwest, or upon any lands whatever, "which, not having been ceded to or purchased by the King, are reserved to the said Indians, or any of them."

6. To reserve, "for the present," under the King's sovereignty, protection, and dominion, "for the use of the said Indians," all the lands not included within the limits of the said three new governments, or within the limits of the Hudson's Bay Company; as also, all the lands lying to the westward of the sources of the rivers, which fall into the sea from the west and northwest, and forbidding the King's subjects from making any purchases or settlements whatever, or taking possession of the lands so reserved, without his Majesty's leave and license first obtained.

7. To require all persons, who had made settlements on lands not purchased by the King from the Indians, to remove from such settlements.

8. To regulate the future purchases of lands from the Indians, within such parts as his Majesty, by that proclamation, permitted settlements to be made upon.

9. To declare, that the trade with the Indians should be free and open to all his Majesty's subjects, and to prescribe the manner how it shall be carried on.

And, lastly, To require all military officers, and the superintendents of Indian affairs, to seize and apprehend all persons who stood charged with treasons, murders, &c., and who had fled from justice and taken refuge in the reserved lands of the Indians, to send such persons to the colony where they stood accused.

From this proclamation, therefore, it is obvious, that the sole design of it, independent of the establishment of the three new governments, ascertaining their respective boundaries, rewarding the officers and soldiers, regulating the Indian trade, and apprehending felons, was to convince the Indians "of his Majesty's justice and determined resolution to remove all reasonable cause of discontent," by interdicting all settlements on land not ceded to, or purchased by, his Majesty; and declaring it to be, as we have already mentioned, his royal will and pleasure, "for the present, to reserve, under his sovereignty, protection, and dominion, for the use of the Indians, all the land and territories lying to the westward of the sources of the rivers, which fall into the sea from the west and northwest." Can any words express more decisively the royal intention? Do they not explicitly mention, that the territory is, at present, reserved, under his Majesty's protection, for the use of the Indians? And, as the Indians had no use for those lands, which are bounded westerly by the southeast side of the river Ohio, either for residence or hunting, they were willing to sell them; and accordingly did sell them to the King in November, 1768, the occasion of which sale will be fully explained in our observations on the succeeding paragraphs of the Report. Of course, the proclamation, so far as it regarded the settlement of the lands included within that purchase, has absolutely and undoubtedly ceased. The late Mr. Grenville, who was, at the time of issuing

this proclamation, the minister of this kingdom, always admitted, that the design of it was totally accomplished, so soon as the country was purchased from the natives.

IV. In this paragraph, the Lords Commissioners for Trade and Plantations mention two reasons for his Majesty's entering into engagements with the Indians, for fixing a more precise and determinate boundary line than was settled by the proclamation of October, 1763, viz.

First, Partly for want of precision in the one intended to be marked by the proclamation of 1763.

Secondly, And partly from a consideration of justice in regard to legal titles to lands.

We have, we presume, fully proved, in our observations on the third paragraph, that the design of the proclamation, so far as related to lands westward of the Allegany Mountains, was for no other purpose than to reserve them, under his Majesty's protection, for the present, for the use of the Indians; to which we shall only add, that the line established by the proclamation, so far as it concerned the lands in question, could not possibly be fixed and described with more *precision*, than the proclamation itself describes it; for it declares, that "all the lands and territories lying to the westward of the sources of the rivers, which fall into the sea from the west and northwest," should be reserved under his Majesty's protection.

Neither, in our opinion, was his Majesty induced to enter into engagements with the Indians, for fixing a more precise and determinate boundary, "partly from a consideration of justice, in regard to legal titles to lands," for there were none such (as we shall prove) comprehended within the tract now under consideration.

But for a full comprehension of all the reasons for his Majesty's "entering into engagements with the

Indians, for fixing a more precise and determinate boundary line," than was settled by the royal proclamation of October, 1763, we shall take the liberty of stating the following facts. In the year 1764, the King's ministers had it then in contemplation to obtain an act of Parliament for the proper regulation of the Indian commerce, and providing a fund, by laying a duty on the trade, for the support of superintendents, commissaries, interpreters, &c., at particular forts in the Indian country, where the trade was to be carried on; and, as a part of this system it was thought proper, in order to avoid future complaints from the Indians, on account of encroachments on their hunting grounds, to purchase a large tract of territory from them, and establish, with their consent, a respectable boundary line, beyond which his Majesty's subjects should not be permitted to settle.

In consequence of this system, orders were transmitted to Sir William Johnson, in the year 1764, to call together the Six Nations, lay this proposition of the boundary before them, and take their opinion upon it. This, we apprehend, will appear evident from the following speech, made by Sir William to the Six Nations, at a conference which he held with them at Johnson Hall, May the 2d, 1765.

"Brethren,

"The last, but the most important affair I have at this time to mention is, with regard to the settling a boundary between you and the English. I sent a message to some of your nation some time ago, to acquaint you, that I should confer with you at this meeting upon it. The King, whose generosity and forgiveness you have already experienced, being very desirous to put a final end to disputes between his

people and you concerning lands, and to do you strict justice, has fallen upon the plan of a boundary between our provinces and the Indians, which no white man shall dare to invade, as the best and surest method of ending such like disputes, and securing your property to you beyond a possibility of disturbance. This will, I hope, appear to you so reasonable, so just on the part of the King, and so advantageous to you and your posterity, that I can have no doubt of your cheerfully joining with me in settling such a division line, as will be best for the advantage of both white men and Indians, and as shall best agree with the extent and increase of each province, and the governors, whom I shall consult upon that occasion, so soon as I am fully empowered; but in the mean time I am desirous to know in what manner you would choose to extend it, and what you will agree heartily to, and abide by, in general terms. At the same time, I am to acquaint you, that whenever the whole is settled, and that it shall appear you have so far consulted the increasing state of our people, as to make any convenient cessions of ground where it is most wanted, that then you will receive a considerable present in return for your friendship."

To this speech the sachems and warriors of the Six Nations, after conferring some time among themselves, gave an answer to Sir William Johnson, and agreed to the proposition of the boundary line; which answer, and the other transactions of this conference, Sir William transmitted to the office of the Lords Commissioners for Trade and Plantations.

From a change of the administration, which formed the above system of obtaining an act of Parliament for regulating the Indian trade and establishing the boundary line, or from some other public cause, unknown to

us, no measures were adopted, until the latter end of the year 1767, for completing the negotiation about this boundary line. But in the mean time, viz. between the years 1765 and 1768, the King's subjects removed in great numbers from Virginia, Maryland, and Pennsylvania, and settled over the mountains; upon which account the Six Nations became so irritated, that in the year 1766 they killed several persons, and denounced a general war against the middle colonies; and to appease them, and to avoid such a public calamity, a detachment from the forty-second regiment of foot was that year sent from the garrison of Fort Pitt, to remove such settlers as were seated at Red-Stone Creek, &c.; but the endeavours and threats of this detachment proved ineffectual, and they returned to the garrison without being able to execute their orders. The complaints of the Six Nations, however, continuing and increasing, on account of the settling of their lands over the mountains, General Gage wrote to the governor of Pennsylvania on the 7th of December, 1767, and after mentioning these complaints, he observed; "You are a witness how little attention has been paid to the several proclamations that have been published, and that even the removing those people from the lands in question, which was attempted this summer by the garrison at Fort Pitt, has been only a temporary expedient. We learn they are returned again to the same encroachments on Red-Stone Creek and Cheat River, in greater numbers than ever."

On the 5th of January, 1768, the governor of Pennsylvania sent a message to the General Assembly of the province, with the foregoing letter from General Gage; and on the 13th the Assembly, in the conclusion of a message to the governor on the subject of Indian complaints, observed; "To obviate which cause of

their discontent, and effectually to establish between them and his Majesty's subjects a durable peace, we are of opinion, that a speedy confirmation of the boundary, and a just satisfaction made to them for their lands on this side of it, are absolutely necessary. By this means all their present complaints of encroachments will be removed, and the people on our frontiers will have a sufficient country to settle or hunt in, without interfering with them."

On the 19th of January, 1768, Mr. Galloway, the Speaker of the Assembly of Pennsylvania, and the committee of correspondence, wrote on the subject of the Indians' disquietude, by order of the House, to their agents, Richard Jackson and Benjamin Franklin, in London, and therein they said, "That the delay of the confirmation of the boundary the natives have warmly complained of, and that, although they have received no consideration for the lands agreed to be ceded to the crown on our side of the boundary, yet that its subjects are daily settling and occupying those very lands."

In April, 1768, the legislature of Pennsylvania finding that the expectations of an Indian war were hourly increasing, occasioned by the settlement of the lands over the mountains, not sold by the natives, and flattering themselves that orders would soon arrive from England for the perfection of the boundary line, they voted the sum of one thousand pounds, to be given as a present, in blankets, strouds, &c., to the Indians upon the Ohio, with a view of moderating their resentment, until these orders should arrive. And, the governor of Pennsylvania being informed that a treaty was soon to be held at Fort Pitt by George Croghan, deputy agent of Indian affairs, by order of General Gage and Sir William Johnson, he sent his secretary and another

gentleman, as commissioners from the province, to deliver the above present to the Indians at Fort Pitt.

On the 2d of May, 1768, the Six Nations made the following speech at that conference.

"Brother,

"It is not without grief, that we see our country settled by you, without our knowledge or consent; and it is a long time since we complained to you of this grievance, which we find has not as yet been redressed; but settlements are still extending farther into our country; some of them are made directly on our war-path, leading into our enemies' country, and we do not like it. Brother, you have laws among you to govern your people by; and it will be the strongest proof of the sincerity of your friendship, to let us see that you remove the people from our lands; as we look upon it, they will have time enough to settle them, when you have purchased them, and the country becomes yours."

The Pennsylvania commissioners, in answer to this speech, informed the Six Nations, that the governor of that province had sent four gentlemen with his proclamation and the act of assembly (making it felony of death without benefit of clergy, to continue on Indian lands) to such settlers over the mountains, as were seated within the limits of Pennsylvania, requiring them to vacate their settlements, but all to no avail; that the governor of Virginia had likewise, to as little purpose, issued his proclamations and orders; and that General Gage had twice ineffectually sent parties of soldiers to remove the settlers from Red-Stone Creek and Monongahela.

As soon as Mr. Jackson and Dr. Franklin received the foregoing instructions from the General Assembly

of Pennsylvania, they waited upon the American minister, and urged the expediency and necessity of the boundary line being speedily concluded; and, in consequence thereof, additional orders were immediately transmitted to Sir William Johnson for that purpose.

It is plain, therefore, that the proclamation of October, 1763, was not designed, as the Lords Commissioners for Trade and Plantations have suggested, to signify the policy of this kingdom against settlements over the Allegany Mountains, after the King had actually purchased the territory; and that the true reasons for purchasing the lands comprised within that boundary were to avoid an Indian rupture, and give an opportunity to the King's subjects quietly and lawfully to settle thereon.

V. Whether the Lords Commissioners for Trade and Plantations are well founded in their declarations, that the lands under consideration "are out of all advantageous intercourse with this kingdom," shall be fully considered in our observations on the sixth paragraph; and, as to "the various propositions for erecting new colonies in the interior parts, which, their Lordships say, have been, in consequence of the extension of the boundary line, submitted to the consideration of government, particularly in that part of the country, wherein are situated the lands now prayed for, and the danger of complying with such proposals have been so obvious as to defeat every attempt for carrying them into execution," we shall only observe on this paragraph, that, as we do not know what these propositions were, or upon what principle the proposers have been defeated, it is impossible for us to judge, whether they are any ways applicable to our case. Consistent however with our knowledge, no more than one proposition for the settlement of a part of the lands in question,

has been presented to government, and that was from Dr. Lee, thirty-two other Americans, and two Londoners, in the year 1768, praying that his Majesty would grant to them, without any purchase money, two millions five hundred thousand acres of land, in one or more surveys, to be located between the thirty-eighth and forty-second degrees of latitude, over the Allegany Mountains, and on condition of their possessing these lands twelve years without the payment of any quit-rent, (the same not to begin until the whole two millions five hundred thousand acres were surveyed,) and that they should be obliged to settle two hundred families in twelve years. Surely, the Lords Commissioners did not mean this proposition, as one that was similar, and would apply to the case now reported upon; and especially as Dr. Lee and his associates did not propose, as we do, either to purchase the lands, or pay the quit-rents to his Majesty, neat and clear of all deductions, or be at the whole expense of establishing and maintaining the civil government of the country.

VI. In the sixth paragraph the Lords Commissioners observe, that "every argument on the subject, respecting the settlement of the lands in that part of the country now prayed for, is collected together with great force and precision in a representation made to his Majesty by the Lords Commissioners for Trade and Plantations, in March, 1768."

That it may be clearly understood, what was the occasion of this representation, we shall take the liberty of mentioning, that, on the 1st of October, 1767, and during the time that the Earl of Shelburne was Secretary of State for the southern department, an idea was entertained of forming, "at the expense of the crown," three new governments in North America, viz. one at Detroit, on the waters between Lake Huron

and Lake Erie, one in the Illinois country, and one on the lower part of the river Ohio; and, in consequence of such idea, a reference was made by his Lordship to the Lords Commissioners for Trade and Plantations, for their opinion upon these proposed new governments.

Having explained the cause of the representation, which is so very strongly and earnestly insisted upon by the Lords Commissioners for Trade and Plantations, as containing "every argument on the subject of the lands which is at present before your Lordships"; we shall now give our reasons for apprehending, that it is so far from applying against our case, that it actually declares a permission would be given to settle the very lands in question.

Three principal reasons are assigned in the representation, "as conducive to the great object of colonizing upon the continent of North America, viz.

"First, Promoting the advantageous fishery carried on upon the northern coast.

"Secondly, Encouraging the growth and culture of naval stores, and of raw materials, to be transported hither, in exchange for perfect manufactures and other merchandise.

"Thirdly, Securing a supply of lumber, provisions, and other necessaries, for the support of our establishments in the American islands."

On the first of these reasons, we apprehend, it is not necessary for us to make many observations; as the provinces of New Jersey, Pennsylvania, Maryland, and Virginia, and the colonies southward of them, have not, and from the nature of their situation and commerce will not, promote the fishery, more, it is conceived, than the proposed Ohio colony. These provinces are, however, beneficial to this kingdom in culture and exportation of different articles; as it is humbly presumed the

Ohio colony will likewise be, if the production of staple commodities is allowed to be within that description.

On the second and third general reasons of the representation we shall observe, that no part of his Majesty's dominions in North America will require less encouragement "for the growth and culture of naval stores and raw materials, and for the supplying the islands with lumber, provisions," &c., than the solicited colony on the Ohio; and for the following reasons.

First, The lands in question are excellent, the climate temperate; the native grapes, silk-worms, and mulberry trees are everywhere; hemp grows spontaneously in the valleys and low lands; iron ore is plenty in the hills; and no soil is better adapted for the culture of tobacco, flax, and cotton, than that of the Ohio.

Secondly, The country is well watered by several navigable rivers, communicating with each other; and by which, and a short land carriage of only forty miles, the produce of the lands of the Ohio can, even now, be sent cheaper to the seaport town of Alexandria, on the river Potomac (where General Braddock's transports landed his troops), than any kind of merchandise is at this time sent from Northampton to London.

Thirdly, The river Ohio is, at all seasons of the year, navigable for large boats, like the west country barges, rowed only by four or five men; and, from January to the month of April, large ships may be built on the Ohio, and sent laden with hemp, iron, flax, silk, &c., to this kingdom.

Fourthly, Flour, corn, beef, ship-plank, and other necessaries can be sent down the stream of Ohio to West Florida, and from thence to the islands, much cheaper and in better order, than from New-York or Philadelphia.

Fifthly, Hemp, tobacco, iron, and such bulky articles

can also be sent down the stream of the Ohio to the sea, at least fifty per centum cheaper than these articles were ever carried by a land carriage, of only sixty miles, in Pennsylvania; where wagonage is cheaper than in any other part of North America.

Sixthly, The expense of transporting British manufactures from the sea to the Ohio colony will not be so much, as is now paid, and must ever be paid, to a great part of the counties of Pennsylvania, Virginia, and Maryland.

From this state of facts, we apprehend, it is clear, that the lands in question are altogether capable, and will advantageously admit, from their fertility, situation, and the small expense attending the exporting the produce of them to this kingdom, "of conducing to the great object of colonizing upon the continent of North America;" but, that we may more particularly elucidate this important point, we shall take the freedom of observing, that it is not disputed, but even acknowledged, by the very Report now under consideration, that the climate and soil of the Ohio are as favorable as we have described them; and, as to the native silk-worms, it is a truth, that above ten thousand weight of cocoons was, in August, 1771, sold at the public filature in Philadelphia; and that the silk produced from the native worm is of a good quality, and has been much approved of in this city.

As to hemp, we are ready to make it appear, that it grows, as we have represented, spontaneously, and of a good texture, on the Ohio. When, therefore, the increasing dependence of this kingdom upon Russia for this very article is considered, and that none has been exported from the seacoast American colonies, as their soil will not easily produce it, this dependence must surely be admitted as a subject of great national con-

sequence, and worthy of the serious attention of government. Nature has pointed out to us, where any quantity of hemp can be soon and easily raised; and by that means, not only a large amount of specie may be retained yearly in this kingdom, but our own subjects can be employed most advantageously, and paid in the manufactures of this kingdom. The state of the Russian trade is briefly thus;

From the year 1722 to 1731, two hundred and fifty ships were, on a medium, sent each year to St. Petersburg, Narva, Riga, and Archangel, for hemp . . .	250 ships.
And from the year 1762 to 1771, five hundred ships were also sent for that purpose	500
Increase in ten years	250 ships.

Here then, it is obvious, that in the last ten years there was on a medium, an increase of two hundred and fifty ships in the Russian trade. Can it be consistent with the wisdom and policy of the greatest naval and commercial nation in the world, to depend wholly on foreigners for the supply of an article, in which is included the very existence of her navy and commerce? Surely not; and especially when God has blessed us with a country yielding naturally the very commodity, which draws our money from us, and renders us dependent on Russia for it.*

* "It is in settlements on the Mississippi and Ohio, that we must look for hemp and flax, which may in those fertile tracts be cultivated in such abundance, as to enable us to undersell all the world, as well as supply our own consumption. It is on those high, dry, and healthy lands, that vineyards would be cultivated to the best advantage, as many of those hills contain quarries of stone; and not in the low, unhealthy seacoasts of our present colonies. Of such infinite consequence to Britain is the production of staples in her colonies, that, were all the people of the

As we have only hitherto generally stated the small expense of carriage between the waters of Potomac and those of the Ohio, we shall now endeavour to show how very ill founded the Lords of Trade and Plantations are, in the fifth paragraph of their Report, viz. that the lands in question "are out of all advantageous intercourse with this kingdom." In order, however, that a proper opinion may be formed on this important article, we shall take the liberty of stating the particular expense of carriage, even during the last French war, when there was no back carriage from Ohio to Alexandria; as it will be found, it was even then only about a halfpenny per pound, as will appear from the following account, the truth of which we shall fully ascertain, viz.

From Alexandria to Fort Cumberland, by water, per cwt.	1*s.*	7*d.*
From Fort Cumberland to Red-Stone Creek, at fourteen dollars per wagon-load, each wagon carrying fifteen hundred weight,	4	2
	5	9

Note. The distance was then seventy miles; but, by a new wagon road, lately made, it is now but forty miles; a saving of course of above one half the 5*s.* 9*d.* is at present experienced.

If it is considered, that this rate of carriage was in time of war, and when there were no inhabitants on

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northern settlements, and all of the tobacco ones (except those actually employed in raising tobacco), now spread over those parts of our territories to the southward and westward, and consequently employed in the same manner as the few are who do reside therein, Britain, in such a case, would export to the amount of above *nine millions more* in manufactures, &c., than she does at present, without reckoning the infinite increase in public revenue, freight, and seamen, which would accrue. To enlarge upon all the advantages of such a change, would be impertinence itself." — *Political Essays concerning the British Empire.*

the Ohio, we cannot doubt but every intelligent mind will be satisfied, that it is now much less than is daily paid in London for the carriage of coarse woollens, cutlery, iron ware, &c., from several counties in England.

The following is the cost of carriage from Birmingham, &c., viz.

From Birmingham to London, is .	4*s.* per cwt.
From Walfall in Staffordshire, . .	5
From Sheffield, ...	8
From Warrington, ...	7

If the lands which are at present under consideration are, as the Lords Commissioners for Trade and Plantations say, "out of all advantageous intercourse with this kingdom," we are at a loss to conceive by what standard that Board calculates the rate of "advantageous intercourse." If the King's subjects, settled over the Allegany Mountains, and on the Ohio, within the new-erected county of Bedford, in the province of Pennsylvania, are altogether clothed with British manufactures, as is the case, is that country "out of all advantageous intercourse with this kingdom"? If merchants in London are now actually shipping British manufactures for the use of the very settlers on the lands in question, does that exportation come within the Lords Commissioners' description of what is "out of all advantageous intercourse with this kingdom"? In short, the Lords Commissioners admit, upon their own principles, that it is a political and advantageous intercourse with this kingdom, when the settlements and settlers are confined to the eastern side of the Allegany Mountains. Shall, then, the expense of carriage, even of the very coarsest and heaviest cloths, or other articles, from the mountains to the Ohio, only about seventy miles, and which will not at most increase the price of carriage

above a halfpenny a yard, convert the trade and connexion with the settlers on the Ohio into a predicament "that shall be," as the Lords Commissioners have said, "out of all advantageous intercourse with this kingdom"?

On the whole, "if the poor Indians in the remote parts of North America, are now able to pay for the linens, woollens, and iron ware they are furnished with by English traders, though Indians have nothing but what they get by hunting, and the goods are loaded with all the impositions fraud and knavery can contrive, to enhance their value; will not industrious English farmers," employed in the culture of hemp, flax, silk, &c., "be able to pay for what shall be brought to them in the fair way of commerce;" and especially when it is remembered, that there is no other allowable market for the sale of these articles, than in this kingdom? And if "the growths of the country find their way out of it, will not the manufactures of this kingdom, where the hemp, &c. must be sent to, find their way into it?"

Whether Nova Scotia, and East and West Florida have yielded advantages and returns equal to the enormous sums expended in founding and supporting them, or even advantages, such as the Lords Commissioners for Trade and Plantations, in their representation of 1768, seemed to expect, it is not our business to investigate; it is, we presume, sufficient for us to mention, that those "many principal persons in Pennsylvania," as is observed in the representation, "whose names and association lie before your Majesty in Council, for the purpose of making settlements in Nova Scotia," have, several years since, been convinced of the impracticability of exciting settlers to move from the middle colonies and settle in that province; and even of those who were prevailed on to go to Nova Scotia,

the greater part of them returned with great complaints against the severity and length of the winters.

As to East and West Florida, it is, we are persuaded, morally impossible to force the people of the middle provinces, between thirty-seven and forty degrees north latitude (where there is plenty of vacant land in their own temperate climate) to remove to the scorching, unwholesome heats of those provinces.* The inhabitants of Montpellier might as soon and easily be persuaded to remove to the northern parts of Russia, or to Senegal.

In short, it is contending with nature, and the experience of all ages, to attempt to compel a people, born and living in a temperate climate, and in the neighbourhood of a rich, healthful, and uncultivated country, to travel several hundred miles to a seaport in order to make a voyage to sea, and settle either in extreme hot or cold latitudes. If the county of York was vacant and uncultivated, and the more southern inhabitants of this island were in want of land, would they suffer themselves to be driven to the north of Scotland? Would they not, in spite of all opposition, first possess themselves of that fertile county? Thus much we have thought necessary to remark, in respect to the general principles laid down in the representation of 1768; and we hope we have shown, that the arguments therein made use of, do not in any degree militate

* "We think of nothing but extending our settlements still further on these pestiferous seacoasts, even to the sunken lagunes of East Florida, and the barren sands of Mobile and Pensacola. The only use of new settlements in North America is for the people in the northern and other colonies, who want lands to make staple commodities for Britain, to remove to them; but none will ever go to Florida, or thrive in it, more than they have done in Carolina and Georgia. The climate of Florida is more intemperate, the lands more barren, and the situation much worse in every respect." — *State of Great Britain and America, by* Dr. Mitchell.

against the subject in question; but that they were intended and do solely apply to "new colonies proposed to be established," as the representation says, "at an expense to this kingdom, at the distance of above fifteen hundred miles from the sea, which, from their inability to find returns, wherewith to pay for the manufactures of Great Britain, will be probably led to manufacture for themselves, as they would," continues the representation, "be separated from the old colonies by immense tracts of unpeopled desert."

It now only remains for us to inquire, whether it was the intention of the Lords Commissioners for Trade and Plantations in 1768, that the territory, which would be included within the boundary line, then negotiating with the Indians (and which was the one, that was that year perfected) should continue a useless wilderness, or be settled and occupied by his Majesty's subjects.

The very representation itself, which, the present Lords Commissioners for Trade and Plantations say, contains "every argument on the subject," furnishes us an ample and satisfactory solution to this important question. The Lords Commissioners in 1768, after pronouncing their opinion against the proposed three new governments, as above stated, declare, "They ought to be carefully guarded against, by encouraging the settlement of that extensive tract of seacoast hitherto unoccupied; which," say their Lordships, "together with the liberty the inhabitants of the middle colonies will have (in consequence of the proposed boundary line with the Indians) of gradually extending themselves backwards, will more effectually and beneficially answer the object of encouraging population and consumption, than the erection of new governments; such gradual extension might, through the medium of a continual population, upon even the same extent of

territory, preserve a communication of mutual commercial benefits between its extremest parts and Great Britain, impossible to exist in colonies separated by immense tracts of unpeopled desert."

Can any opinion be more clear and conclusive, in favor of the proposition, which we have humbly submitted to his Majesty? For their Lordships positively say, that the inhabitants of the middle colonies *will have* liberty of gradually extending themselves *backwards.* But is it not very extraordinary, that, after near two years' deliberation, the present Lords Commissioners for Trade and Plantations should make a report to the Lords of the Committee of the Privy Council, and therein expressly refer to that opinion of 1768, in which they say, "every argument on the subject is collected together with great force and precision," and yet that, almost in the same breath, their Lordships should contravene that very opinion, and advise his Majesty "to check the progress of these settlements"? and that "settlements in that distant part of the country ought to be discouraged as much as possible, and another proclamation should be issued declaratory of his Majesty's resolution, not to allow, for the present, any new settlement beyond the line;" to wit, beyond the Allegany Mountains? How strange and contradictory is this conduct? But we forbear any strictures upon it; and shall conclude our remarks on this head, by stating the opinion, at different times, of the Lords Commissioners for Trade and Plantations, on this subject.

In 1748, their Lordships expressed the strongest desire to promote settlements over the mountains and on the Ohio.

In 1768, the then Lords Commissioners for Trade and Plantations declared, (in consequence of the boundary line at that time negotiating,) that the inhabitants

of the middle colonies would have liberty of gradually extending themselves backwards.

In 1770, the Earl of Hillsborough actually recommended the purchase of a tract of land over the mountains, sufficient for a new colony, and then went down to the Lords Commissioners of the Treasury to know, whether their Lordships would treat with Mr. Walpole and his associates for such purchase.

In 1772, the Earl of Hillsborough, and the other Lords Commissioners for Trade and Plantations, made a report on the petition of Mr. Walpole and his associates, and referred to the representation of the Board of Trade in 1768, "as containing every argument on the subject, collected together with force and precision;" which representation declared, as we have shown, "that the inhabitants of the middle colonies will have liberty to extend backwards" on the identical lands in question; and yet, notwithstanding such reference, so strongly made from the present Board of Trade to the opinion of that Board, the Earl of Hillsborough and the other Lords Commissioners for Trade and Plantations have now, in direct terms, reported against the absolute engagement and opinion of the Board in 1768.

It may be asked, what was intended by the expressions in the representation of 1768, "of gradually extending themselves backwards"? It is answered, they were only in contradistinction to the proposal of erecting at that time three new governments at Detroit, &c.; and "thereby exciting," as the representation says, "the stream of population to various distant places." In short, it was, we think, beyond all doubt, the "precise" opinion of the Lords Commissioners in 1768, that the territory, within the boundary line then negotiating and since completed, would be sufficient at that time to

answer the object of population and consumption; and that, until that territory was fully occupied, it was not necessary to erect the proposed three new governments "at an expense to this kingdom," in places, as their Lordships observed, "separated by immense tracts of unpeopled desert."

To conclude our observations on the sixth paragraph, we would just remark, that we presume we have demonstrated, that the inhabitants of the middle colonies cannot be compelled to exchange the soil and climate of these colonies, either for the severe colds of Nova Scotia and Canada, or the unwholesome heats of East and West Florida. Let us next inquire, what would be the effect of confining these inhabitants, if it was practicable, within narrow bounds, and thereby preventing them from exercising their natural inclination of cultivating lands; and whether such restriction would not force them into manufactures, to rival the mother country. To these questions, the Lords Commissioners have with much candor replied, in their representation of 1768. "We admit," said their Lordships, "as an undeniable principle of true policy, that, with a view to prevent manufactures, it is necessary and proper to open an extent of territory for colonization, proportioned to an increase of people, as a large number of inhabitants, cooped up in narrow limits, without a sufficiency of land for produce, would be compelled to convert their attention and industry to manufactures." But their Lordships at the same time observe, "That the encouragement given to the settlement of the colonies upon the seacoast, and the effect which such encouragement has had, has already effectually provided for this object."

In what parts of North America this encouragement has thus provided for population, their Lordships have

not mentioned. If the establishment of the governments of Quebec, Nova Scotia, and the Island of St. John's, or East and West Florida, was intended by their Lordships as that effectual provision, we shall presume to deny the proposition, by asserting, as an undoubted truth, that, although there is at least a million of subjects in the middle colonies, none have emigrated from thence, and settled in these new provinces; and for that reason, and from the very nature of colonization itself, we affirm, that none will ever be induced to exchange the healthy, temperate climate of Virginia, Maryland, and Pennsylvania, for the extreme colds or heats of Canada and Nova Scotia, or East and West Florida.

In short, it is not in the power of government, to give any encouragement, that can compensate for a desertion of friends and neighbours, dissolution of family connexions, and abandoning a soil and climate infinitely superior to those of Canada, Nova Scotia, or the Floridas. Will not therefore the inhabitants of the middle provinces, whose population is great beyond example,* and who have already made some advances in manufactures, "by confining them to their present narrow limits," be necessarily compelled to convert their whole attention to that object? How then shall this, in the nature of things, be prevented, except, as the Lords Commissioners have justly remarked, "by opening an extent of territory proportioned to their increase?" But

* "Besides staple commodities, there is another more material point to be considered in the colonies, which is their great and daily increase; and for which, unless we make provision in time, they can never subsist by a dependence on Britain. There are at present (in the year 1770) nigh three millions of people in them, who may, in twenty or thirty years, increase to six millions, as many as there are in England." —WYNNE's *History of the British Empire in America*, Vol. II. p. 398.

where shall a territory be found proper for "the colonization of the inhabitants of the middle colonies?" We answer, in the very country, which the Lords Commissioners have said that the inhabitants of these colonies would have liberty to settle in; a country which his Majesty has purchased from the Six Nations; one where several thousands of his subjects are already settled; and one where, the Lords Commissioners have acknowledged, "a gradual extension might, through the medium of a continued population, upon even the same extent of territory, preserve a communication of mutual commercial benefits between its extremest parts and Great Britain." *

VII. This paragraph is introduced, by referring to the extract of a letter from the commander-in-chief of his Majesty's forces in North America, laid by the Earl of Hillsborough before the Lords Commissioners for Trade and Plantations. But, as their Lordships have not mentioned either the general's name, or the time when the letter was written, or what occasioned his delivering his opinion upon the subject of colonization in general, in the "remote countries," we can only conjecture, that General Gage was the writer of the letter, and that it was wrote about the year 1768, when the plan of the three new governments was under the consideration of the then Lords Commissioners for

* "Thus the use the nation has for new settlements and acquisitions in North America is for the *great increase* of the people who are already there, and to enable them to subsist by a *dependence upon her*; which they can never do, *unless they extend their settlements.*" — WYNNE's *History*, Vol. II. p. 399.

"Unprejudiced men well know, that all the penal and prohibitory laws that ever were thought of, will not be sufficient to prevent manufactures in a country whose inhabitants surpass the number that can subsist on the husbandry of it; and this will be the case *soon*, if our people remain confined within the mountains," &c. — *The Interest of Great Britain considered with regard to the Colonies*, p. 17. Published in 1761.

Trade and Plantations, and before the lands on the Ohio were bought from, and the boundary line established with, the Six Nations.

Indeed, we think it clear, that the general had no other lands, at that time, under his consideration, than what he calls "remote countries," such as the Detroit, Illinois, and the lower parts of the Ohio; for he speaks of "foreign countries," from which it "would be *too* far to transport some kind of naval stores," and for the same reason could not, he says, supply the sugar islands "with lumber and provisions." He mentions, also, "planting colonies at so vast a distance, that the very long transportation (of silk, wine, &c.) must probably make them too dear for any market," and where "the inhabitants could not have any commodities to barter for manufactures, except skins and furs." And what, in our opinion, fully evinces that the general was giving his sentiments upon settlements at Detroit, &c. and not on the territory in question, is, that he says, "It will be a question likewise, whether colonization of this kind could be effected without an Indian war, and fighting for every inch of the ground."

Why the Lords Commissioners for Trade and Plantations should encumber their Report with the opinion of General Gage on what he calls the settlement of a "foreign country," that could not be effected without "fighting for every inch of ground," and how their Lordships could apply that case to the settlement of a territory, purchased by his Majesty near four years ago, and now inhabited by several thousand British subjects, whom the Indians themselves living on the northern side of the Ohio (as shall be fully shown in the course of these observations) have earnestly requested may be immediately governed, we confess we are wholly at a loss to comprehend.

VIII. The eighth paragraph highly extols, not only the accuracy and precision of the foregoing representation of the Lords of Trade in 1768, (which, as has been before observed, expressed, that the inhabitants of the middle colonies would have liberty to settle over the mountains and on the Ohio,) but also the above-mentioned letter from the commander-in-chief in America; and at the same time introduces the sentiments of Mr. Wright, governor of Georgia, "on the subject of large grants in the interior parts of America."

When this letter was written; what was the occasion of the governor's writing it; whether he was then, from his own knowledge, acquainted with the situation of the country over the mountains, with the disposition of the middle colonies, with the capability of the Ohio country, from its soil, climate, or communication with the River Potomac, &c., to supply this kingdom with silk, flax, hemp, &c.; and whether the principal part of Mr. Wright's estate is on the seacoast in Georgia, are facts which we wish had been stated, that it might be known whether Governor Wright's "knowledge and experience in the affairs of the colonies ought," as the Lords of Trade mention, "to give great weight to his opinion," on the present occasion.

The doctrine insisted upon by Governor Wright appears to us reducible to the following propositions; viz.

1. That if a vast territory be granted to any set of gentlemen, who really mean to people it, and actually do so, it *must* draw and carry out a great number of people from Great Britain.

2. That they will soon become a kind of separate and independent people; who will set up for themselves, will soon have manufactures of their own, will neither take supplies from the mother country, nor the provinces at the back of which they are settled; that,

being at such a distance from the seat of government, from courts, magistrates, &c., and out of the control of law and government, they will become a receptacle for offenders, &c.

3. That the seacoast should be thick settled with inhabitants, and be well cultivated and improved, &c.

4. That his ideas are not chimerical; that he knows something of the situation and state of things in America; and, from some little occurrences that have happened, he can very easily figure to himself what may, and, in short, what will certainly happen, if not prevented in time.

On these propositions we shall take the liberty of making a few observations.

To the first we answer, we shall, we are persuaded, satisfactorily prove, that in the middle colonies, viz. New Jersey, Pennsylvania, Maryland, and Virginia, there is hardly any vacant land, except such as is monopolized by great landholders, for the purpose of selling at high prices; that the poor people of these colonies, with large families of children, cannot pay these prices; and that several thousand families, for that reason, have already settled upon the Ohio; that we do not wish for, and shall not encourage, one single family of his Majesty's European subjects to settle there, (and this we have no objection to be prevented from doing,) but shall wholly rely on the voluntary superflux of the inhabitants of the middle provinces for settling and cultivating the lands in question.

On the second, it is not, we presume, necessary for us to say more, than that all the conjectures and suppositions "of being a kind of separate and independent people," &c. entirely lose their force, on the proposition of a government being established on the grant applied for, as the Lords of Trade themselves acknowledged.

On the third, we would only briefly remark, that we have fully answered this objection in the latter part of our answer to the sixth paragraph.

And, as the fourth proposition is merely the governor's declaration of his knowledge of something of the situation and state of things in America, and that, from some little occurrences, that have already really happened, he can very easily figure to himself what may and will certainly happen, if not prevented in time, we say, that, as the governor has not mentioned what these little occurrences are, we cannot pretend to judge, whether what he figures to himself is any ways relative to the object under consideration, or, indeed, what else it is relative to.

But, as the Lords Commissioners for Trade and Plantations have thought proper to insert in their Report the abovementioned letters from General Gage and Governor Wright, it may not be improper for us to give the opinion of his Majesty's House of Burgesses of the dominion of Virginia on the very point in question, as conveyed to his Majesty in their Address of the 4th of August, 1767, and delivered the latter end of that year, to the Lords Commissioners for Trade and Plantations, by Mr. Montague, agent for the colony. The House of Burgesses say; "We humbly hope, that we shall obtain your royal indulgence, when we give it as our opinion, that it will be for your Majesty's service, and the interest of your American dominions in general, to continue the encouragements" (which were a total exemption from any consideration-money whatsoever, and a remission of quit-rent for ten years, and of all kinds of taxes for fifteen years) "for settling those frontier lands." By this means, the House observed, "new settlements will be made by people of property, obedient subjects to government; but, if the

present restriction should continue, we have the strongest reason to believe, that country will become the resort of fugitives and vagabonds, defiers of law and order, and who in time may form a body dangerous to the peace and civil government of this colony."

We come now to the consideration of the ninth, tenth, and eleventh paragraphs.

In the ninth, the Lords Commissioners for Trade and Plantations observe, "that, admitting the settlers over the mountains, and on the Ohio, to be as numerous as report states them to be," (and which we shall, from undoubted testimony, prove to be not less than five thousand families, of at least six persons to a family, independent of some thousand families, which are also settled over the mountains, within the limits of the province of Pennsylvania,) yet their Lordships say, "it operates strongly in point of argument against what is proposed." And their Lordships add, "If the foregoing reasoning has any weight, it ought certainly to induce the Lords of the committee of the Privy Council to advise his Majesty to take every method to check the progress of these settlements; and not to make such grants of the land, as will have an immediate tendency to encourage them."

Having, we presume, clearly shown, that the country southward of the Great Kenhawa, quite to the Cherokee River, belonged to the Six Nations, and not to the Cherokees; that now it belongs to the King, in virtue of his Majesty's purchase from the Six Nations; that neither these tribes, nor the Cherokees, do hunt between the Great Kenhawa and the land opposite to the Scioto River; that, by the present boundary line, the Lords Commissioners for Trade and Plantations would sacrifice to the Cherokees an extent of country of at least eight hundred miles in length, which his

Majesty has bought and paid for; that the real limits of Virginia do not extend westward, beyond the Allegany mountains; that, since the purchase of the country from the Six Nations, his Majesty has not annexed it, nor any part of it, to the colony of Virginia; that there are no settlements made under legal titles, on any part of the lands we have agreed for, with the Lords Commissioners of the Treasury; that, in the year 1748, the strongest marks of royal encouragement were given to settle the country over the mountains; that the suspension of this encouragement, by the proclamation of October, 1763, was merely temporary, until the lands were purchased from the natives; that the avidity to settle these lands was so great, that large settlements were made thereon, before they were purchased; that, although the settlers were daily exposed to the cruelties of the savages, neither a military force, nor repeated proclamations, could induce them to vacate these lands; that the soil of the country over the mountains is excellent, and capable of easily producing hemp, flax, silk, tobacco, iron, wine, &c.; that these articles can be cheaply conveyed to a seaport for exportation; that the charge of carriage is so very small, it cannot possibly operate to the prevention of the use of British manufactures; that the King's purchasing the lands from the Indians, and fixing a boundary line with them, was for the very purpose of his subjects' settling them; and that the Commissioners for Trade and Plantations, in 1768, declared, that the inhabitants of the middle colonies would have liberty for that purpose.

And to this train of facts, let us add, that at the congress held with the Six Nations at Fort Stanwix in 1768, when his Majesty purchased the territory on the Ohio, Messrs. Penn also bought from these Nations a

very extensive tract of country over the Allegany Mountains, and on that river joining to the very lands in question; that in the spring 1769, Messrs. Penn opened their land-office in Pennsylvania, for the settling the country which they had so bought at Fort Stanwix; and all such settlers as had seated themselves over the mountains, within the limits of Pennsylvania, before the lands were purchased from the natives, have since obtained titles for their plantations; that, in 1771, a petition was presented to the Assembly of the province of Pennsylvania, praying that a new county may be made over these mountains; that the legislature of that province, in consideration of the great number of families settled there, within the limits of that province, did that year enact a law for the erection of the lands over the mountains into a new county, by the name of Bedford county; that, in consequence of such law, William Thompson was chosen to represent it in the General Assembly; that a sheriff, coroner, justices of the peace, constables, and other civil officers are appointed and do reside over the mountains; that all the King's subjects, who are not less than five thousand families, who have made locations and settlements on the lands southward of, and adjoining to, the southern line of Pennsylvania, live there without any degree of order, law, or government; that, being in this lawless situation, continual quarrels prevail among them; that they have already infringed the boundary line, killed several Indians, and encroached on the lands on the opposite side of the Ohio; and that disorders of the most dangerous nature, with respect to the Indians, the boundary line, and the old colonies, will soon take place among these settlers, if law and subordination are not immediately established among them. Can these facts be possibly perverted

so as to operate, either in point of argument or policy, against the proposition of governing the King's subjects on the lands in question?

It ought to be considered, also, that we have agreed to pay as much for a small part of the cession made at Fort Stanwix, as the whole cession cost the crown, and at the same time to be at the entire expense of establishing and supporting the proposed new colony.*

The truth is, the inhabitants already settled on this tract of country are in so ungoverned and lawless a situation, that the very Indians themselves complain of it; so that, if they are not soon governed, an Indian war will be the inevitable consequence. This, we presume, is evident, both from the correspondence of General Gage with the Earl of Hillsborough, and a speech of the chiefs of the Delawares, Munsies, and Mohickons, living on the Ohio, to the governors of Pennsylvania, Maryland, and Virginia, lately transmitted by the General to his Lordship.

In this speech these nations observe, that, since the

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* The parliamentary grants for the civil establishment of the provinces of Nova Scotia, Georgia, and East and West Florida, amount to *one million twelve thousand eight hundred and thirty-one pounds two shillings and eight pence halfpenny*, as the following account shows; and, notwithstanding this vast expense, the King has not received any quit-rents from these provinces. How different is the present proposition, for the establishment of the Ohio colony? In this case, the crown is to be paid for the lands, (and which is the first instance of any being sold in North America.) Government is to be exempted from the expense of supporting the colony, and the King will receive his quit-rents, neat and clear of all deductions, (which deductions in the old colonies are at least twenty per centum,) as will more particularly appear by a state of the King's quit-rents annexed hereto.

The parliamentary grants above mentioned are as follows;

To Nova Scotia . . .	£ 707,320 19*s.* 7¼*d.*
To Georgia	214,610 3 1¼
To East Florida	45,450
To West Florida	45,450

See APPENDIX, No. II. p. 380.

sale of the lands to the King on the Ohio, "Great numbers more of your people have come over the great mountains and settled throughout this country; and we are sorry to tell you, that several quarrels have happened between your people and ours, in which people have been killed on both sides; and that we now see the nations round us and your people ready to embroil in a quarrel, which gives our nations great concern, as we, on our parts, want to live in friendship with you. As you have always told us, you have laws to govern your people by, but we do not see that you have; therefore, brethren, unless you can fall upon some method of governing your people, who live between the great mountains and the Ohio River, and who are very numerous, it will be out of the Indians' power to govern their young men; for, we assure you, the black clouds begin to gather fast in this country, and, if something is not soon done, these clouds will deprive us of seeing the sun. We desire you to give the greatest attention to what we now tell you; as it comes from our hearts, and a desire we have to live in peace and friendship with our brethren the English, and therefore it grieves us to see some of the nations about us and your people ready to strike each other. We find your people are very fond of our rich land; we see them quarrelling with each other every day about land, and burning one another's houses, so that we do not know how soon they may come over the River Ohio, and drive us from our villages; nor do we see you, brothers, take any care to stop them."

This speech, from tribes of such great influence and weight upon the Ohio, conveys much useful information; it establishes the fact of the settlers over the mountains being very numerous; it shows the entire approbation of the Indians, in respect to a colony be-

ing established on the Ohio; it pathetically complains of the King's subjects not being governed; and it confirms the assertion mentioned by the Lords Commissioners for Trade and Plantations in the eighth paragraph of their Report, "that, if the settlers are suffered to continue in the lawless state of anarchy and confusion, they will commit such abuses as cannot fail of involving us in quarrels and disputes with the Indians, and thereby endanger the security of his Majesty's colonies."

The Lords Commissioners for Trade and Plantations, however, pay no regard to all these circumstances, but content themselves with observing, "We see nothing to hinder the government of Virginia from extending the laws and constitution of that colony to such persons as may have already settled there under legal titles." To this we repeat, that there are no such persons, as have settled under legal titles; and, even admitting there were, as their Lordships say, in the tenth paragraph, "it appears in them, there are some possessions derived from grants made by the governor and council of Virginia," and allowing that the laws and constitution of Virginia did, as they unquestionably do not, extend to this territory, have the Lords Commissioners proposed any expedient for governing those many thousand families, who have not settled under legal titles, but only agreeably to the ancient usage of location? Certainly not. But, on the contrary, their Lordships have recommended, that his Majesty should be advised to take every method to check the progress of their settlements; and thereby leave them in their present lawless situation, at the risk of involving the middle colonies in a war with the natives, pregnant with a loss of subjects, loss of commerce, and depopulation of their frontier counties.

Having made these observations, it may next be proper to consider, how the laws and constitution of Virginia can possibly be extended, so as effectually to operate on the territory in question. Is not Williamsburg, the capital of Virginia, at least four hundred miles from the settlements on the Ohio? Do not the laws of Virginia require, that all persons guilty of capital crimes shall be tried only in Williamsburg? Is not the General Assembly held there? Is not the court of King's Bench, or the superior court of the dominion, kept there? Has Virginia provided any fund for the support of the officers of these distant settlements, or for the transporting offenders, and paying the expense of witnesses travelling eight hundred miles (viz. going and returning), and during their stay at Williamsburg? And will not these settlers be exactly (for the reasons assigned) in the situation described by Governor Wright, in the very letter which the Commissioners for Trade and Plantations have so warmly recommended, viz. "such persons as are settled at the back of the provinces, being at a distance from the seat of government, courts, magistrates, &c., they will be out of the reach and control of law and government, and their settlement will become a receptacle and a kind of asylum for offenders"?

On the eleventh paragraph, we apprehend, it is not necessary to say much. The reservatory clause proposed in our memorial is what is usual in royal grants; and in the present case, the Lords of the committee of the Privy Council, we hope, will be of opinion, it is quite sufficient; more especially as we are able to prove to their Lordships, that there are no "possessions," within the boundaries of the lands under consideration, which are held "under legal titles."

To conclude; as it has been demonstrated, that

neither royal nor provincial proclamations, nor the dread and horrors of a savage war, were sufficient, even before the country was purchased from the Indians, to prevent the settlement of the lands over the mountains, can it be conceived, that, now the country is purchased, and the people have seen the proprietors of Pennsylvania, who are the hereditary supporters of British policy in their own province, give every degree of encouragement to settle the lands westward of the mountains, the legislature of the province, at the same time, effectually corroborate the measure, and several thousand families, in consequence thereof, settle in the new county of Bedford, that the inhabitants of the middle colonies will be restrained from cultivating the luxuriant country of the Ohio, joining to the southern line of Pennsylvania? But, even admitting that it might formerly have been a question of some propriety, whether the country should be permitted to be settled, that cannot surely become a subject of inquiry now, when it is an obvious and certain truth, that at least thirty thousand British subjects are already settled there. Is it fit to leave such a body of people lawless and ungoverned? Will sound policy recommend this manner of colonizing and increasing the wealth, strength, and commerce of the empire? Or will it point out, that it is the indispensable duty of government to render *bad subjects useful subjects;* and for that purpose immediately to establish law and subordination among them, and thereby early confirm their native attachment to the laws, traffic, and customs of this kingdom?

On the whole, we presume that we have, both by facts and sound argument, shown, that the opinion of the Lords Commissioners for Trade and Plantations on the object in question is not well founded; and that, if their Lordships' opinion should be adopted, it would

be attended with the most mischievous and dangerous consequences to the commerce, peace, and safety of his Majesty's colonies in America.

We therefore hope, the expediency and utility of erecting the lands agreed for into a separate colony, without delay, will be considered as a measure of the soundest policy, highly conducive to the peace and security of the old colonies, to the preservation of the boundary line, and to the commercial interests of the mother country.

APPENDIX, No. I.

BY THE KING.

A PROCLAMATION.

George R.

Whereas we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace, concluded at Paris the 10th of February last; and being desirous, that all our loving subjects, as well of our kingdoms as of our colonies in America, may avail themselves, with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures, and navigation; we have thought fit, with the advice of our Privy Council, to issue this our royal proclamation, hereby to publish and declare to all our loving subjects, that we have, with the advice of our said Privy Council, granted our letters patent under our great seal of Great Britain, to erect within the countries and islands, ceded and confirmed to us by the said treaty, four distinct and separate governments, styled and called by the names of Quebec, East Florida, West Florida, and Grenada, and limited and bounded as follows, viz.

First, The government of Quebec, bounded on the Labrador coast by the River St. John, and from thence by a line drawn from

the head of that river, through the Lake St. John, to the south end of the Lake Nipissim; from whence the said line, crossing the River St. Lawrence and the Lake Champlain in forty-five degrees of north latitude, passes along the highlands which divide the rivers that empty themselves into the said River St. Lawrence, from those which fall into the sea; and also along the north coast of the Baie des Chaleurs, and the coast of the Gulf of St. Lawrence to Cape Rosières, and from thence crossing the mouth of the River St. Lawrence by the west end of the Island of Anticosti, terminates at the aforesaid River St. John.

Secondly, The government of East Florida, bounded to the westward by the Gulf of Mexico and the Appalachicola River; to the northward, by a line drawn from that part of the said river where the Chatahouchee and Flint Rivers meet, to the source of St. Mary's River, and by the course of the said river to the Atlantic Ocean; and to the east and south by the Atlantic Ocean, and the Gulf of Florida, including all islands within six leagues of the seacoast.

Thirdly, The government of West Florida, bounded to the southward by the Gulf of Mexico, including all islands within six leagues of the coast from the River Appalachicola to Lake Pontchartrain; to the westward by the said lake, the Lake Maurepas, and the River Mississippi; to the northward, by a line drawn due east from that part of the Mississippi which lies in thirty-one degrees north latitude, to the River Appalachicola or Chatahouchee; and to the eastward by the said river.

Fourthly, The government of Grenada, comprehending the island of that name, together with the Grenadines, and the Islands of Dominico, St. Vincent, and Tobago.

And to the end that the open and free fishery of our subjects may be extended to, and carried on, upon the coast of Labrador and the adjacent islands, we have thought fit, with the advice of our said Privy Council, to put all that coast, from the River St. John's to Hudson's Straits, together with the Islands of Anticosti and Madelaine, and all other smaller islands lying upon the said coast, under the care and inspection of our governor of Newfoundland.

We have also, with the advice of our Privy Council, thought fit to annex the Islands of St. John and Cape Breton or Isle Royale, with the lesser islands adjacent thereto, to our government of Nova Scotia.

We have also, with the advice of our Privy Council aforesaid, annexed to our province of Georgia, all the lands lying between the Rivers Altamaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling our said new governments, that our loving subjects should be informed of our paternal care for the security of the liberties and properties of those who are and shall become inhabitants thereof; we have thought fit to publish and declare, by this our proclamation, that we have, in the letters patent under our great seal of Great Britain, by which the governments are constituted, given express power and direction to our governors of our said colonies respectively, that, so soon as the state and circumstances of the said colonies will admit thereof, they shall, with the advice and consent of the members of our council, summon and call General Assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America, which are under our immediate government. And we have also given power to the said governors, with the consent of our said councils and the representatives of the people, so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes, and ordinances for the public peace, welfare, and good government of our said colonies, and of the people and inhabitants thereof, as near as may be, agreeably to the laws of England, and under such regulations and restrictions as are used in other colonies; and, in the mean time and until such assemblies can be called as aforesaid, all persons inhabiting in, or resorting to, our said colonies, may confide in our royal protection for the enjoyment of the benefit of the laws of our realm of England; for which purpose we have given power under our great seal to the governors of our said colonies respectively, to erect and constitute, with the advice of our said councils respectively, courts of judicature and public justice within our said colonies, for the hearing and determining all causes, as well criminal as civil, according to law and equity, and, as near as may be, agreeably to the laws of England; with liberty to all persons, who may think themselves aggrieved by the sentence of such courts, in all civil cases, to appeal, under the usual limitations and restrictions, to us, in our Privy Council.

We have also thought fit, with the advice of our Privy Council as aforesaid, to give unto the governors and councils of our said three new colonies upon the continent, full power and authority to settle and agree with the inhabitants of our said new colonies, or to any other person who shall resort thereto, for such lands, tenements, and hereditaments, as are now, or hereafter shall be in our power to dispose of, and them to grant to any such person or persons, upon such terms, and under such moderate quit-rents, services,

and acknowledgments, as have been appointed and settled in other colonies, and under such other conditions as shall appear to us to be necessary and expedient for the advantage of the grantees, and the improvement and settlement of our said colonies.

And whereas we are desirous, upon all occasions, to testify our royal sense and approbation of the conduct and bravery of the officers and soldiers of our armies, and to reward the same, we do hereby command and empower our governors of our said three new colonies, and other our governors of our several provinces on the continent of North America, to grant, without fee or reward, to such reduced officers as have served in North America during the late war, and are actually residing there, and shall personally apply for the same, the following quantities of land, subject, at the expiration of ten years, to the same quit-rents as other lands are subject to in the province within which they are granted, as also subject to the same conditions of cultivation and improvement, viz.

To every person having the rank of a field-officer, five thousand acres.

To every captain, three thousand acres.

To every subaltern or staff-officer, two thousand acres.

To every non-commissioned officer, two hundred acres.

To every private man, fifty acres.

We do likewise authorize and require the governors and commanders-in-chief of all our said colonies upon the continent of North America to grant the like quantities of land, and upon the same conditions, to such reduced officers of our navy of like rank, as served on board our ships of war in North America at the times of the reduction of Louisburg and Quebec in the late war, and who shall personally apply to our respective governors for such grants.

And whereas it is just, and reasonable, and essential to our interest, and security of our colonies, that the several nations and tribes of Indians, with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to, or purchased by us, are reserved to them, or any of them, as their hunting grounds; we do therefore, with the advice of our Privy Council, declare it to be our royal will and pleasure, that no governor, or commander-in-chief, in any of our colonies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever, to grant warrants of survey, or pass any patents, for lands beyond the bounds of their respective governments, as described in their commissions; as also that no governor or commander-in-chief of our

other colonies or plantations in America, do presume for the present, and until our further pleasure be known, to grant warrants of survey, or pass patents, for any lands *beyond* the heads or sources of any of the rivers which fall into the Atlantic Ocean from the west or northwest; or upon any lands whatever, which, not having been ceded to, or purchased by us, as aforesaid, are reserved to the said Indians, or any of them.

And we do further declare it to be our royal will and pleasure, *for the present*, as aforesaid, to reserve under our sovereignty, protection, and dominion, for the *use* of the said Indians, all the land and territories *not* included within the limits of our said three new governments, or within the limits of the territory granted to the Hudson's Bay Company; as also all the land and territories lying to the westward of the sources of the rivers which fall into the sea from the west and northwest as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our especial leave and license for that purpose first obtained.

And we do further strictly enjoin and require all persons whatever, who have either wilfully or inadvertently seated themselves upon any lands within the countries above described, or upon any other lands *which, not having been ceded to, or purchased by us*, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements.

And whereas great frauds and abuses have been committed in the purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order, therefore, to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice, and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our Privy Council, strictly enjoin and require, that no private person do presume to make any purchase from the said Indians, of any lands reserved to the said Indians, within those parts of our colonies where we have thought proper to allow settlement; but that, if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the governor or commander-in-chief of our colony respectively within which they shall lie; and, in case they shall lie within the limits of any proprietaries, conformable to such directions and instructions

as we or they shall think proper to give for that purpose. And we do, by the advice of our Privy Council, declare and enjoin, that the trade with the said Indians shall be free and open to all our subjects whatever, provided that every person, who may incline to trade with the said Indians, do take out a license for carrying on such trade, from the governor or commander-in-chief of any of our colonies respectively, where such person shall reside, and also the security to observe such regulations as we shall at any time think fit, by ourselves or commissaries, to be appointed for this purpose, to direct and appoint for the benefit of the said trade. And we do hereby authorize, enjoin, and require the governors and commanders-in-chief of all our colonies respectively, as well those under our immediate government, as those under the government and direction of proprietaries, to grant such licenses without fee or reward, taking especial care to insert therein a condition, that such license shall be void, and the security forfeited, in case the person to whom the same is granted, shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of Indian affairs within the territories reserved, as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever, who, standing charged with treasons, misprisions of treasons, murders, or other felonies or misdemeanors, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the colony where the crime was committed of which they shall stand accused, in order to take their trial for the same.

Given at our Court at St. James's, the seventh day of October, 1763, in the third year of our reign.

God save the King.

APPENDIX, No. II.

STATE OF THE KING'S RENTS IN NORTH AMERICA.

	Consideration money paid to the King for the lands.	The time the lands are exempted from quit-rent.	Quit-rents. received.	Expense to this country for the support of the civil government of the colonies.
Island of St. John,	None.	20 years.	None.	
Nova Scotia,	None.	10 years.	And yet no quit-rents have been received, though the colony was established 22 years ago.	£ *c.* *d.* 707,320 19 7¼
Canada,	None.			
Massachusetts, Connecticut, Rhode Island,	None.	Wholly exempt from quit-rents and all payments to the crown.	None.	None.
New Hampshire,	None.		None.	None.
New York,	None.	This colony was restored to the crown in the year 1693–4, and yet from that time very little quit-rents have been received.	None.	None.
New Jersey, Pennsylvania, Maryland,	None.	Wholly exempt from quit-rents and all payments to the crown.		None.
Virginia,	None.	This Colony was resassumed by the crown in the year 1626; and yet, for a great number of years, the quit-rents were not paid at all;—never with any regularity till within a very few years; and now from what is paid there is a deduction of at least 20 per cent.	None.	
N. & S. Carolina,	None.			
Georgia,	None.	This colony was settled in the year 1735, and yet no quit-rents have been received.	None.	£ *s.* *d.* 214,610 3 1¼
E. & W. Florida,	None.	10 years.	None.	90,900 0 0
But it is proposed to pay for the colony on the Ohio	£10,460 7*s.* 3*d.*; which is *all* the money the *whole* country (of which this is only a small part) cost government for the cession from the Six Nations.	The quit-rents to commence in twenty years from the time of the survey of each lot or plantation, and to be paid into the hands of such person as his Majesty shall appoint to receive the same, *net and clear* of all deductions whatsoever, for collections or otherwise.		All the expenses of the civil government of this colony, to be borne and paid by the proprietors.

PREFACE,

BY THE BRITISH EDITOR,

TO "THE VOTES AND PROCEEDINGS OF THE FREEHOLDERS AND OTHER INHABITANTS OF THE TOWN OF BOSTON."

On the 20th of November, 1772, there was a meeting of the inhabitants of Boston, at which was read a report of a committee, who had been appointed at a previous meeting. This report contained a view of the state of public affairs, touching largely on the rights of the colonists, and the infringement and violations of those rights by the British government. It was the boldest exposition of the American grievances, which had hitherto been made public, and was drawn up with as much ability as freedom.

Hutchinson says of this report of the committee, that, "although at its first appearance it was considered as their own work, yet they had little more to do than to make the necessary alterations in the arrangement of materials prepared for them by their great director in England, whose counsels they obeyed, and in whose wisdom and dexterity they had an implicit faith. Such principles in government were avowed, as would be sufficient to justify the colonies in revolting, and forming an independent state; and such instances were given of the infringement of their rights by the exercise of Parliamentary authority, as, upon like reasons, would justify an exception to the authority in all cases whatever; nevertheless, there was color for alleging, that it was not 'expressly' denied in 'every' case. The whole frame of it, however, was calculated to strike the colonists with a sense of their just claim to independence, and to stimulate them to assert it." — *History of Massachusetts*, Vol. III. p. 364.

The person alluded to by Governor Hutchinson, as "the great director in England," was Dr. Franklin, and it is insinuated, that he was in effect the author of the report; but this is in no sense true; nor did he wholly approve the measures adopted at that meeting. He thought the affair was carried a little farther than the occasion required at the time, and was afraid that ill conse-

quences would result. It was only the time and manner of bringing the subject forward, however, upon which he had any doubts. To the sentiments expressed in the report of the committee, and adopted by the inhabitants of the town, he fully assented. This is proved by his sending a copy of the proceedings to the press, as soon as he received it in London, with a prefatory notice written by himself. The pamphlet was entitled, "The Votes and Proceedings of the Freeholders and other Inhabitants of the Town of Boston, in Town Meeting assembled, according to Law. Published by Order of the Town." The following is Dr. Franklin's Preface to the London edition. — EDITOR.

ALL accounts of the discontent so general in our colonies, have of late years been industriously smothered and concealed here; it seeming to suit the views of the American minister * to have it understood, that by his great abilities all faction was subdued, all opposition suppressed, and the whole country quieted. That the true state of affairs there may be known, and the true causes of that discontent well understood, the following piece (not the production of a private writer, but the unanimous act of a large American city), lately printed in New England, is republished here. This nation, and the other nations of Europe, may thereby learn, with more certainty, the grounds of a dissension, that possibly may, sooner or later, have consequences interesting to them all.

The colonies had, from their first settlement, been governed with more ease, than perhaps can be equalled by any instance in history of dominions so distant. Their affection and respect for this country, while they were treated with kindness, produced an almost implicit

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* Lord Hillsborough. This nobleman, already first Lord of Trade, was introduced in 1768 into the *new-titled office* of Secretary of State for the Colonies. — B. V.

obedience to the instructions of the Prince, and even to acts of the British Parliament; though the right of binding them by a legislature, in which they were unrepresented, was never clearly understood. That respect and affection produced a partiality in favor of every thing that was English; whence their preference of English modes and manufactures; their submission to restraints on the importation of foreign goods, which they had but little desire to use; and the monopoly we so long enjoyed of their commerce, to the great enriching of our merchants and artificers.

The mistaken policy of the Stamp Act first disturbed this happy situation; but the flame thereby raised was soon extinguished by its repeal, and the old harmony restored, with all its concomitant advantage to our commerce. The subsequent act of another administration, which, not content with an established exclusion of foreign manufactures, began to make our own merchandise dearer to the consumers there, by heavy duties, revived it again; and combinations were entered into throughout the continent, to stop trading with Britain till those duties should be repealed. All were accordingly repealed but one, *the duty on tea.* This was reserved (professedly so) as a standing claim and exercise of the right assumed by Parliament of laying such duties.*

The colonies, on this repeal, retracted their agreement, so far as related to all other goods, except that on which the duty was retained. This was trumpeted

* Mr. Burke says (in his Speech in 1774), that this preambulary tax had lost us at once the benefit of the west and of the east; had thrown open folding-doors to contraband; and would be the means of giving the profits of the colony trade to every nation but ourselves. He adds, in the same place, "It is indeed a tax of sophistry, a tax of pedantry, a tax of disputation, a tax of war and rebellion, a tax for any thing but benefit to the imposers, or satisfaction to the subject." — B. V.

here by the minister for the colonies as a triumph; there it was considered only as a decent and equitable measure, showing a willingness to meet the mother country in every advance towards a reconciliation, and a disposition to a good understanding so prevalent, that possibly they might soon have relaxed in the article of tea also. But the system of commissioners of customs, officers without end, with fleets and armies for collecting and enforcing those duties, being continued; and these acting with much indiscretion and rashness, (giving great and unnecessary trouble and obstruction to business, commencing unjust and vexatious suits, and harassing commerce in all its branches, while that the minister kept the people in a constant state of irritation by instructions, which appeared to have no other end than the gratifying his private resentments,*) occasioned a persevering adherence to their resolutions in that particular; and the event should be a lesson to ministers, not to risk through pique, the obstructing any one branch of trade; since the course and connexion of general business may be thereby disturbed to a degree, impossible to be foreseen or imagined. For it appears, that, the colonies finding their humble petitions to have this duty repealed were rejected and treated with contempt, and that the produce of the duty was applied to the rewarding with undeserved salaries and pensions every one of their enemies, the duty itself became more odious, and their resolution to share it more vigorous and obstinate.

The Dutch, the Danes, and French, took this opportunity thus offered them by our imprudence, and began to smuggle their teas into the plantations. At first

* Some of his circular letters had been criticized and exposed by one or two of the American Assemblies. — B. V.

this was something difficult; but at length, as all business is improved by practice, it became easy. A coast fifteen hundred miles in length could not in all parts be guarded, even by the whole navy of England; especially where their restraining authority was by all the inhabitants deemed unconstitutional, the smuggling of course considered as patriotism. The needy wretches, too, who, with small salaries, were trusted to watch the ports day and night, in all weathers, found it easier and more profitable, not only to wink, but to sleep in their beds; the merchant's pay being more generous than the King's. Other India goods, also, which, by themselves, would not have made a smuggling voyage sufficiently profitable, accompanied tea to advantage; and it is feared the cheap French silks, formerly rejected, as not to the taste of the colonies, may have found their way with the wares of India, and now established themselves in the popular use and opinion.

It is supposed, that at least a million of Americans drink tea twice a day, which, at the first cost here, can scarce be reckoned at less than half a guinea a head per annum. This market, that in the five years which have run on since the act passed, would have paid two million five hundred thousand guineas for tea alone, into the coffers of the Company, we have wantonly lost to foreigners.

Meanwhile, it is said, the duties have so diminished, that the whole remittance of the last year amounted to no more than the pitiful sum of eighty-five pounds,* for the expense of some hundred thousands, in armed

* "*Eighty-five pounds*, I am assured, my Lords, is the whole equivalent we have received for all the hatred and mischief, and all the infinite losses this kingdom has suffered during that year, in her disputes with North America." See the Bishop of St. Asaph's Speech, *intended to have been spoken.* — B. V.

ships and soldiers, to support the officers. Hence the tea, and other India goods, which might have been sold in America, remain rotting in the Company's warehouses;* while those of foreign ports are known to be cleared by the American demand. Hence, in some degree, the Company's inability to pay their bills; the sinking of their stock, by which millions of property have been annihilated; the lowering of their dividend, whereby so many must be distressed; the loss to government of the stipulated four hundred thousand pounds a year,† which must make a proportionable reduction in our savings towards the discharge of our enormous debt; and hence, in part, the severe blow suffered by credit in general,‡ to the ruin of many families; the stagnation of business in Spitalfields and at Manchester, through want of vent for their goods; with other future evils, which, as they cannot, from the numerous and secret connexions in general commerce, easily be foreseen, can hardly be avoided.

* At this time they contained many millions of pounds of tea, including the usual stock on hand. Mr. Burke, in his Speech in 1774, supposes that America might have given a vent for ten millions of pounds. This seems to have been the greater part of the whole quantity. — B. V.

† On account of a temporary compromise of certain disputes with government. — B. V.

‡ Seen in certain memorable mercantile failures in the year 1772. — B. V.

RULES

FOR

REDUCING A GREAT EMPIRE TO A SMALL ONE;

PRESENTED TO A LATE MINISTER,

WHEN HE ENTERED UPON HIS ADMINISTRATION.

The minister here alluded to is supposed to be the Earl of Hillsborough. His policy and acts as minister contributed more, perhaps, than that of any other man towards increasing the discontents, which led to a separation of the colonies from the mother country.

In a letter to his son, dated London, October 6th, 1773, Dr. Franklin said; "I have written two pieces here lately for the Public Advertiser, on American affairs, designed to expose the conduct of this country towards the colonies in a short, comprehensive, and striking view, and stated therefore in out-of-the-way forms, as most likely to take the general attention. The first was called, *Rules by which a Great Empire may be reduced to a Small One;* the second, *An Edict of the King of Prussia.* I send you one of the first, but could not get enough of the second to spare you one, though my clerk went the next morning to the printer's, and wherever they are sold. They were all gone but two. In my own mind I prefer the first, as a composition, for the quantity and value of the matter contained, and a kind of spirited ending of each paragraph. But I find that others more generally prefer the second. I am not suspected as the author, except by one or two friends."

Again, November 3d; "I mentioned my having written two papers, of which I preferred the first, but the public the last. It seems I was mistaken in judging of the public opinion; for the first was reprinted some weeks after in the same paper, the printer giving for reason, that he did it in compliance with the earnest request of many private persons, and some respectable societies; which is the more extraordinary, as it had been copied in several other papers, and in the *Gentleman's Magazine.* Such papers

may seem to have a tendency to increase our divisions; but I intend a contrary effect; and hope, by comprising in a little room, and setting in a strong light, the grievances of the colonies, more attention will be paid to them by our administration, and that, when their unreasonableness is generally seen, some of them will be removed, to the restoration of harmony between us." — EDITOR.

AN ancient sage valued himself upon this, that, though he could not fiddle, he knew how to make a great city of a little one. The science that I, a modern simpleton, am about to communicate, is the very reverse.

I address myself to all ministers who have the management of extensive dominions, which from their very greatness have become troublesome to govern, because the multiplicity of their affairs leaves no time for fiddling.

1. In the first place, Gentlemen, you are to consider, that a great empire, like a great cake, is most easily diminished at the edges. Turn your attention, therefore, first to your *remotest* provinces; that, as you get rid of them, the next may follow in order.

2. That the possibility of this separation may always exist, take special care the provinces are *never incorporated with the mother country;* that they do not enjoy the same common rights, the same privileges in commerce; and that they are governed by severer laws, all of your enacting, without allowing them any share in the choice of the legislators. By carefully making and preserving such distinctions, you will (to keep to my simile of the cake) act like a wise gingerbread-baker, who, to facilitate a division, cuts his dough half through in those places where, when baked, he would have it broken to pieces.

3. Those remote provinces have perhaps been acquired, purchased, or conquered, at the sole expense of the settlers, or their ancestors; without the aid of the mother country. If this should happen to increase her strength, by their growing numbers, ready to join in her wars; her commerce, by their growing demand for her manufactures; or her naval power, by greater employment for her ships and seamen, they may probably suppose some merit in this, and that it entitles them to some favor; you are therefore to *forget it all, or resent it*, as if they had done you injury. If they happen to be zealous whigs, friends of liberty, nurtured in revolution principles, remember all that to their prejudice, and contrive to punish it; for such principles, after a revolution is thoroughly established, are of no more use; they are even odious and abominable.

4. However peaceably your colonies have submitted to your government, shown their affection to your interests, and patiently borne their grievances; you are to suppose them *always inclined to revolt*, and treat them accordingly. Quarter troops among them, who by their insolence may provoke the rising of mobs, and by their bullets and bayonets suppress them. By this means, like the husband who uses his wife ill from suspicion, you may in time convert your suspicions into realities.

5. Remote provinces must have governors and judges, to represent the royal person, and execute everywhere the delegated parts of his office and authority. You ministers know, that much of the strength of government depends on the opinion of the people; and much of that opinion on the *choice of rulers* placed immediately over them. If you send them wise and good men for governors, who study the interest of the colonists, and advance their prosperity; they will think their King wise and good, and that he wishes the

welfare of his subjects. If you send them learned and upright men for judges, they will think him a lover of justice. This may attach your provinces more to his government. You are therefore to be careful whom you recommend to those offices. If you can find prodigals, who have ruined their fortunes, broken gamesters or stockjobbers, these may do well as governors; for they will probably be rapacious, and provoke the people by their extortions. Wrangling proctors and pettifogging lawyers, too, are not amiss; for they will be for ever disputing and quarrelling with their little Parliaments. If withal they should be ignorant, wrongheaded, and insolent, so much the better. Attorneys' clerks and Newgate solicitors will do for chief justices, especially if they hold their places during your pleasure; and all will contribute to impress those ideas of your government, that are proper for a people you would wish to renounce it.

6. To confirm these impressions, and strike them deeper, whenever the injured come to the capital with complaints of mal-administration, oppression, or injustice, *punish such suitors* with long delay, enormous expense, and a final judgment in favor of the oppressor. This will have an admirable effect every way. The trouble of future complaints will be prevented, and governors and judges will be encouraged to farther acts of oppression and injustice; and thence the people may become more disaffected, and at length desperate.

7. When such governors have crammed their coffers, and made themselves so odious to the people that they can no longer remain among them, with safety to their persons, *recall and reward* them with pensions. You may make them baronets too, if that respectable order should not think fit to resent it. All will contribute to encourage new governors in the same practice, and make the supreme government detestable.

8. If, when you are engaged in war, your colonies should vie in liberal aids of men and money against the common enemy, upon your simple requisition, and give far beyond their abilities, reflect that a penny taken from them by your power is more honorable to you, than a pound presented by their benevolence; *despise therefore their voluntary grants*, and resolve to harass them with *novel taxes*. They will probably complain to your Parliament, that they are taxed by a body in which they have no representative, and that this is contrary to common right. They will petition for redress. Let the Parliament flout their claims, reject their petitions, refuse even to suffer the reading of them, and treat the petitioners with the utmost contempt. Nothing can have a better effect in producing the alienation proposed; for, though many can forgive injuries, none ever forgave contempt.

9. In laying these taxes, *never regard the heavy burdens* those remote people already undergo, in defending their own frontiers, supporting their own provincial government, making new roads, building bridges, churches, and other public edifices; which in old countries have been done to your hands by your ancestors, but which occasion constant calls and demands on the purses of a new people. Forget the restraint you lay on their trade for your own benefit, and the advantage a monopoly of this trade gives your exacting merchants. Think nothing of the wealth those merchants and your manufacturers acquire by the colony commerce; their increased ability thereby to pay taxes at home; their accumulating, in the price of their commodities, most of those taxes, and so levying them from their consuming customers; all this, and the employment and support of thousands of your poor by the colonists, you are entirely to forget. But remember to make your

arbitrary tax more grievous to your provinces, by public declarations importing that your power of taxing them has *no limits;* so that, when you take from them without their consent a shilling in the pound, you have a clear right to the other nineteen. This will probably weaken every idea of security in their property, and convince them, that under such a government they have nothing they can call their own; which can scarce fail of producing the happiest consequences!

10. Possibly, indeed, some of them might still comfort themselves, and say, "Though we have no property, we have yet something left that is valuable; we have constitutional *liberty, both of person and of conscience.* This King, these Lords, and these Commons, who it seems are too remote from us to know us, and feel for us, cannot take from us our Habeas Corpus right, or our right of trial by a jury of our neighbours; they cannot deprive us of the exercise of our religion, alter our ecclesiastical constitution, and compel us to be Papists, if they please, or Mahometans." To annihilate this comfort, begin by laws to perplex their commerce with infinite regulations, impossible to be remembered and observed; ordain seizures of their property for every failure; take away the trial of such property by jury, and give it to arbitrary judges of your own appointing, and of the lowest characters in the country, whose salaries and emoluments are to arise out of the duties or condemnations, and whose appointments are during pleasure. Then let there be a formal declaration of both Houses, that opposition to your edicts is treason, and that persons suspected of treason in the provinces may, according to some obsolete law, be seized and sent to the metropolis of the empire for trial; and pass an act, that those there charged with certain other offences, shall be sent away in chains from their

friends and country to be tried in the same manner for felony. Then erect a new court of Inquisition among them, accompanied by an armed force, with instructions to transport all such suspected persons; to be ruined by the expense, if they bring over evidences to prove their innocence, or be found guilty and hanged, if they cannot afford it. And, lest the people should think you cannot possibly go any farther, pass another solemn declaratory act, "that King, Lords, Commons had, have, and of right ought to have, full power and authority to make statutes of sufficient force and validity to bind the unrepresented provinces *in all cases whatsoever*. This will include spiritual with temporal, and, taken together, must operate wonderfully to your purpose; by convincing them, that they are at present under a power something like that spoken of in the Scriptures, which can not only kill their bodies, but damn their souls to all eternity, by compelling them, if it pleases, to worship the Devil.

11. To make your taxes more odious, and more likely to procure resistance, send from the capital a *board of officers* to superintend the collection, *composed of the most indiscreet*, ill-bred, and insolent you can find. Let these have large salaries out of the extorted revenue, and live in open, grating luxury upon the sweat and blood of the industrious; whom they are to worry continually with groundless and expensive prosecutions before the abovementioned arbitrary revenue judges; all at the cost of the party prosecuted, though acquitted, because the King is to pay no costs. Let these men, by your order, be exempted from all the common taxes and burdens of the province, though they and their property are protected by its laws. If any revenue officers are suspected of the least tenderness for the people, discard them. If others are justly

complained of, protect and reward them. If any of the under officers behave so as to provoke the people to drub them, promote those to better offices; this will encourage others to procure for themselves such profitable drubbings, by multiplying and enlarging such provocations, and all will work towards the end you aim at.

12. Another way to make your tax odious, is to *misapply the produce of it.* If it was originally appropriated for the defence of the provinces, and the better support of government, and the administration of justice, where it may be necessary; then apply none of it to that defence; but bestow it where it is not necessary, in augmenting salaries or pensions to every governor, who has distinguished himself by his enmity to the people, and by calumniating them to their sovereign. This will make them pay it more unwillingly, and be more apt to quarrel with those that collect it and those that imposed it; who will quarrel again with them; and all shall contribute to your own purpose, of making them weary of your government.

13. If the people of any province have been accustomed to *support their own governors and judges* to satisfaction, you are to apprehend that such governors and judges may be thereby influenced to treat the people kindly, and to do them justice. This is another reason for applying part of that revenue in larger salaries to such governors and judges, given, as their commissions are, during *your* pleasure only; forbidding them to take any salaries from their provinces; that thus the people may no longer hope any kindness from their governors, or (in crown cases) any justice from their judges. And, as the money thus misapplied in one province is extorted from all, probably all will resent the misapplication.

14. If the Parliaments of your provinces should dare to claim rights, or complain of your administration, order them to be harassed with *repeated dissolutions.* If the same men are continually returned by new elections, adjourn their meetings to some country village, where they cannot be accommodated, and there keep them during pleasure; for this, you know, is your prerogative; and an excellent one it is, as you may manage it to promote discontents among the people, diminish their respect, and increase their disaffection.

15. Convert the brave, honest officers of your *navy* into pimping tide-waiters and colony officers of the *customs.* Let those, who in time of war fought gallantly in defence of the commerce of their countrymen, in peace be taught to prey upon it. Let them learn to be corrupted by great and real smugglers; but (to show their diligence) scour with armed boats every bay, harbour, river, creek, cove, or nook throughout the coast of your colonies; stop and detain every coaster, every wood-boat, every fisherman; tumble their cargoes and even their ballast inside out and upside down; and, if a pennyworth of pins is found unentered, let the whole be seized and confiscated. Thus shall the trade of your colonists suffer more from their friends in time of peace, than it did from their enemies in war. Then let these boats' crews land upon every farm in their way, rob their orchards, steal their pigs and poultry, and insult the inhabitants. If the injured and exasperated farmers, unable to procure other justice, should attack the aggressors, drub them, and burn their boats; you are to call this *high treason and rebellion,* order fleets and armies into their country, and threaten to carry all the offenders three thousand miles to be hanged, drawn, and quartered. O! this will work admirably!

16. If you are told of *discontents* in your colonies, never believe that they are general, or that you have given occasion for them; therefore do not think of applying any remedy, or of changing any offensive measure. Redress no grievance, lest they should be encouraged to demand the redress of some other grievance. Grant no request that is just and reasonable, lest they should make another that is unreasonable. Take all your informations of the state of the colonies from your governors and officers in enmity with them. Encourage and reward these leasing-makers; secrete their lying accusations, lest they should be confuted; but act upon them as the clearest evidence; and believe nothing you hear from the friends of the people. Suppose all *their* complaints to be invented and promoted by a few factious demagogues, whom if you could catch and hang, all would be quiet. Catch and hang a few of them accordingly; and the blood of the martyrs shall work miracles in favor of your purpose.*

17. If you see *rival nations* rejoicing at the prospect of your disunion with your provinces, and endeavouring to promote it; if they translate, publish, and applaud all the complaints of your discontented colonists, at the same time privately stimulating you to severer measures, let not that offend you. Why should it, since you all mean the same thing?

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* One of the American writers affirms, "That there has not been a single instance in which *they* have complained, without being rebuked; or in which they have been complained *against*, without being punished." A fundamental mistake in the minister occasioned this. Every individual in New England (the peccant country) was held a coward or a knave, and the disorders which spread abroad there were treated as the result of the *too great lenity* of Britain! By the aid of this short and benevolent rule, judgment was ever wisely predetermined; to the shutting out redress on the one hand, and enforcing every rigor of punishment on the other. — B. V.

18. If any colony should *at their own charge erect a fortress* to secure their *port* against the fleets of a foreign enemy, get your governor to betray that fortress into your hands. Never think of paying what it cost the country, for that would look, at least, like some regard for justice; but turn it into a citadel to awe the inhabitants and curb their commerce. If they should have lodged in such fortress the very arms they bought and used to aid you in your conquests, seize them all; it will provoke, like ingratitude added to robbery. One admirable effect of these operations will be, to discourage every other colony from erecting such defences, and so their and your enemies may more easily invade them; to the great disgrace of your government, and of course the furtherance of your project.

19. Send armies into their country under pretence of protecting the inhabitants; but, instead of garrisoning the forts on their frontiers with those troops, to prevent incursions, demolish those forts, and order the troops into the heart of the country, that the savages may be encouraged to attack the frontiers, and that the troops may be protected by the inhabitants. This will seem to proceed from your *ill will or your ignorance*, and contribute farther to produce and strengthen an opinion among them, that you are no longer fit to govern them.*

20. Lastly, invest the *general of your army in the*

* As the reader may be inclined to divide his belief between the wisdom of ministry and the candor and veracity of Dr. Franklin, I shall inform him, that two contrary objections may be made to the truth of this representation. The first is, that the conduct of Great Britain is made *too* absurd for possibility; and the second, that it is not made absurd *enough* for fact. If we consider that this writing does not include the measures subsequent to 1773, the latter difficulty is easily set aside. The former I can only solve by the many instances in history, where the infatuation of individuals has brought the heaviest calamities upon nations. — B. V.

provinces, with great and unconstitutional powers, and free him from the control of even your own civil governors. Let him have troops enough under his command, with all the fortresses in his possession; and who knows but (like some provincial generals in the Roman empire, and encouraged by the universal discontent you have produced) he may take it into his head to set up for himself? If he should, and you have carefully practised the few excellent rules of mine, take my word for it, all the provinces will immediately join him; and you will that day (if you have not done it sooner) get rid of the trouble of governing them, and all the plagues attending their commerce and connexion from thenceforth and for ever.*

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* A new and handsome edition of the above piece was published at London, in 1793, with the following ironical dedication. It will be remembered, that Lord Loughborough was once Mr. Wedderburn, and the same person who uttered an abusive philippic against Dr. Franklin in a speech before the King in Council relating to Hutchinson's Letters. — EDITOR.

"To the Right Honorable Alexander, Lord Loughborough.

"My Lord,

"When I reflect on your Lordship's *magnanimous* conduct towards the author of the following *golden* Rules, there is, in my opinion, a peculiar propriety in dedicating this new edition of them to a nobleman, whose *talents* were so eminently useful in procuring the emancipation of our American brethren.

"In the most heartfelt wish, that the same talents may be employed on similar occasions with the same splendid success,

"I have the honor to be, my Lord,

"Your Lordship's most obedient

"And very humble servant,

"THE EDITOR.

"*London*, 12*th February*, 1793."

AN EDICT

BY THE KING OF PRUSSIA.

The design of this piece is explained at the beginning of the last article. As applied to the relations at that time subsisting between England and her colonies, its point and humor are apposite and striking. — EDITOR.

Dantzic, September 5th, 1773.

WE have long wondered here at the supineness of the English nation, under the Prussian impositions upon its trade entering our port. We did not, till lately, know the claims, ancient and modern, that hang over that nation; and therefore could not suspect that it might submit to those impositions from a sense of duty or from principles of equity. The following Edict, just made public, may, if serious, throw some light upon this matter.

"FREDERIC, by the grace of God, King of Prussia, &c. &c. &c., to all present and to come, *(à tous présens et à venir,)* health. The peace now enjoyed throughout our dominions, having afforded us leisure to apply ourselves to the regulation of commerce, the improvement of our finances, and at the same time the easing our *domestic* subjects in their taxes; for these causes, and other good considerations us thereunto moving, we hereby make known, that, after having deliberated these affairs in our Council, present our dear brothers, and other great officers of the state, members of the same; we, of our certain knowledge, full power,

and authority royal, have made and issued this present Edict, viz.

"Whereas it is well known to all the world, that the first German settlements made in the Island of Britain, were by colonies of people, subject to our renowned ducal ancestors, and drawn from their dominions, under the conduct of Hengist, Horsa, Hella, Uffa, Cerdicus, Ida, and others; and that the said colonies have flourished under the protection of our august house for ages past; have never been emancipated therefrom; and yet have hitherto yielded little profit to the same; and whereas we ourself have in the last war fought for and defended the said colonies, against the power of France, and thereby enabled them to make conquests from the said power in America, for which we have not yet received adequate compensation; and whereas it is just and expedient that a revenue should be raised from the said colonies in Britain, towards our indemnification; and that those who are descendants of our ancient subjects, and thence still owe us due obedience, should contribute to the replenishing of our royal coffers (as they must have done, had their ancestors remained in the territories now to us appertaining); we do therefore hereby ordain and command, that, from and after the date of these presents, there shall be levied and paid to our officers of the *customs*, on all goods, wares, and merchandises, and on all grain and other produce of the earth, exported from the said Island of Britain, and on all goods of whatever kind imported into the same, a duty of four and a half per cent *ad valorem*, for the use of us and our successors. And, that the said duty may more effectually be collected, we do hereby ordain, that all ships or vessels bound from Great Britain to any other part of the world, or from any other part of the world to Great Britain,

shall in their respective voyages touch at our port of Koningsberg, there to be unladen, searched, and charged with the said duties.

"And whereas there hath been from time to time discovered in the said Island of Great Britain, by our colonists there, many mines or beds of iron-stone; and sundry subjects of our ancient dominion, skilful in converting the said stone into metal, have in time past transported themselves thither, carrying with them and communicating that art; and the inhabitants of the said Island, presuming that they had a natural right to make the best use they could of the natural productions of their country for their own benefit, have not only built furnaces for smelting the said stone into iron, but have erected plating-forges, slitting-mills, and steel-furnaces, for the more convenient manufacturing of the same; thereby endangering a diminution of the said manufacture in our ancient dominion; — We do therefore hereby farther ordain, that, from and after the date hereof, no mill or other engine for slitting or rolling of iron, or any plating-forge to work with a tilt-hammer, or any furnace for making steel, shall be erected or continued in the said Island of Great Britain. And the Lord Lieutenant of every county in the said Island is hereby commanded, on information of any such erection within his county, to order, and by force to cause, the same to be abated and destroyed; as he shall answer the neglect thereof to us at his peril. But we are nevertheless graciously pleased to permit the inhabitants of the said island to transport their iron into Prussia, there to be manufactured, and to them returned; they paying our Prussian subjects for the workmanship, with all the costs of commission, freight, and risk, coming and returning; any thing herein contained to the contrary notwithstanding.

"We do not, however, think fit to extend this our indulgence to the article of *wool;* but, meaning to encourage, not only the manufacturing of woollen cloth, but also the raising of wool, in our ancient dominions, and to prevent both, as much as may be, in our said island, we do hereby absolutely forbid the transportation of wool from thence, even to the mother country, Prussia; and, that those islanders may be farther and more effectually restrained in making any advantage of their own wool in the way of manufacture, we command that none shall be carried out of one county into another; nor shall any worsted, bay, or woollen yarn, cloth, says, bays, kerseys, serges, frizes, druggets, cloth-serges, shalloons, or any other drapery stuffs, or woollen manufactures whatsoever, made up or mixed with wool in any of the said counties, be carried into any other county, or be water-borne even across the smallest river or creek; on penalty of forfeiture of the same, together with the boats, carriages, horses, &c., that shall be employed in removing them. Nevertheless, our loving subjects there are hereby permitted (if they think proper) to use all their wool as manure for the improvement of their lands.

And whereas the art and mystery of making *hats* hath arrived at great perfection in Prussia, and the making of hats by our remoter subjects ought to be as much as possible restrained; and forasmuch as the islanders before mentioned, being in possession of wool, beaver and other furs, have presumptuously conceived they had a right to make some advantage thereof, by manufacturing the same into hats, to the prejudice of our domestic manufacture; we do therefore hereby strictly command and ordain, that no hats or felts whatsoever, dyed or undyed, finished or unfinished, shall be loaded or put into or upon any vessel, cart, carriage, or

horse, to be transported or conveyed out of one county in the said island into another county, or to any other place whatsoever, by any person or persons whatsoever; on pain of forfeiting the same, with a penalty of five hundred pounds sterling for every offence. Nor shall any hat-maker, in any of the said counties, employ more than two apprentices, on penalty of five pounds sterling per month; we intending hereby, that such hat-makers, being so restrained, both in the production and sale of their commodity, may find no advantage in continuing their business. But, lest the said islanders should suffer inconveniency by the want of hats, we are farther graciously pleased to permit them to send their beaver furs to Prussia; and we also permit hats made thereof to be exported from Prussia to Britain; the people thus favored to pay all costs and charges of manufacturing, interest, commission to our merchants, insurance and freight going and returning, as in the case of iron.

"And, lastly, being willing farther to favor our said colonies in Britain, we do hereby also ordain and command, that all the *thieves*, highway and street robbers, housebreakers, forgerers, murderers, s—d—tes, and villains of every denomination, who have forfeited their lives to the law in Prussia; but whom we, in our great clemency, do not think fit here to hang; shall be emptied out of our gaols into the said Island of Great Britain, for the better peopling of that country.

"We flatter ourselves, that these our royal regulations and commands will be thought *just and reasonable* by our much-favored colonists in England; the said regulations being copied from their Statutes of 10th and 11th William III. c. 10, 5th George II. c. 22, 23d George II. c. 29, 4th George I. c. 11, and from other equitable laws made by their Parliaments; or

from instructions given by their princes; or from resolutions of both Houses, entered into for the good government of their *own colonies in Ireland and America.*

"And all persons in the said Island are hereby cautioned not to oppose in any wise the execution of this our Edict, or any part thereof, such opposition being high treason; of which all who are suspected shall be transported in fetters from Britain to Prussia, there to be tried and executed according to the Prussian law.

"Such is our pleasure.

"Given at Potsdam, this twenty-fifth day of the month of August, one thousand seven hundred and seventy-three, and in the thirty-third year of our reign.

"By the King, in his Council.

"RECHTMAESSIG, *Sec.*"

Some take this Edict to be merely one of the King's *jeux d'esprit;* others suppose it serious, and that he means a quarrel with England; but all here think the assertion it concludes with, "that these regulations are copied from acts of the English Parliament respecting their colonies," a very injurious one; it being impossible to believe, that a people distinguished for their love of liberty; a nation so wise, so liberal in its sentiments, so just and equitable towards its neighbours, should, from mean and injudicious views of petty immediate profit, treat its own children in a manner so arbitrary and tyrannical!

AN ACCOUNT

OF THE

TRANSACTIONS RELATING TO GOVERNOR HUTCHINSON'S LETTERS.

The affair of Hutchinson's Letters made much noise at the time, by reason of the political consequences emanating from them, and subjected Dr. Franklin to unmerited obloquy. It seems, that while acting in London as agent for the colony of Massachusetts, certain original letters were put into his hands, which had been written in Boston by Governor Hutchinson, Lieutenant-Governor Oliver, Charles Paxton, Nathaniel Rogers, and G. Rome, and directed to Thomas Whately, a member of Parliament, and private secretary to Mr. Grenville, one of the ministers. After Mr. Whately's death the above letters were obtained by some unknown person, and communicated to Dr. Franklin, with permission that he might send them to his correspondents in Massachusetts. As the contents of the letters were of a very extraordinary character, and in their political tendency deeply interesting to the people of Massachusetts, and indeed to those of all the colonies, Dr. Franklin thought it his duty to transmit them without delay. He enclosed them to Thomas Cushing, Speaker of the House of Representatives in Massachusetts, and at length they were made public. Although this was done without the consent or knowledge of Dr. Franklin, he did not disapprove the act, considering it not only a proper but necessary step for exposing the insidious designs of eminent public men in America, whose secret counsels were hostile to the liberties of his country.

His agency in the matter caused a loud clamor to be raised against him by the ministerial partisans in England. It was made the occasion of unmeasured abuse through the channel of the press, and particularly from Mr. Wedderburn, the King's solicitor-general, when the petition of the Massachusetts legislature for the removal of Governor Hutchinson, in consequence of these letters, was brought before the Council. Conscious of having acted

a part honorable in itself, and of the utmost importance to his country, Dr. Franklin suffered the tide of obloquy to pass by without attempting to oppose or divert its course. A short time before he returned to America, however, he wrote the following paper, which affords a triumphant vindication of his conduct, but which was not published during his lifetime, nor till it appeared in William Temple Franklin's edition of his works. — EDITOR.

HAVING been from my youth more or less engaged in public affairs, it has often happened to me in the course of my life to be censured sharply for the part I took in them. Such censures I have generally passed over in silence, conceiving, when they were just, that I ought rather to amend than defend; and, when they were undeserved, that a little time would justify me. Much experience has confirmed my opinion of the propriety of this conduct; for, notwithstanding the frequent, and sometimes the virulent attacks which the jostlings of party interests have drawn upon me, I have had the felicity of bringing down to a good old age as fair a reputation (may I be permitted to say it?) as most public men that I have known, and have never had reason to repent my neglecting to defend it.

I should therefore (persisting, as old men ought to do, in old habits) have taken no notice of the late invective of the solicitor-general, nor of the abundant abuse in the papers, were I not urged to it by my friends, who say, that the first being delivered by a public officer of government before a high and most respectable court, the Privy Council, and countenanced by its report, and the latter having that for its foundation, it behoves me, more especially as I am about leaving this country, to furnish them with the knowledge of such facts as may enable them to justify to others their good opinion of

me. This compels me to the present undertaking; for otherwise, having for some time past been gradually losing all public connexions, declining my agencies, determined on retiring to my little family, that I might enjoy the remainder of life in private repose, indifferent to the opinion of courtiers, as having nothing to seek or wish among them, and being secure that time would soon lay the dust which prejudice and party have so lately raised, I should not think of giving myself the trouble of writing, and my friends of reading, an apology for my political conduct.

That this conduct may be better understood, and its consistency more apparent, it seems necessary that I should first explain the principles on which I have acted. It has long appeared to me, that the only true British policy was that, which aimed at the good of the *whole British empire*, not that which sought the advantage of *one part* in the disadvantage of the others; therefore all measures of procuring gain to the mother country arising from loss to her colonies, and all of gain to the colonies arising from or occasioning loss to Britain, especially where the gain was small and the loss great, every abridgment of the power of the mother country, where that power was not prejudicial to the liberties of the colonists, and every diminution of the privileges of the colonists, where they were not prejudicial to the welfare of the mother country, I, in my own mind, condemned as improper, partial, unjust, and mischievous; tending to create dissensions, and weaken that union, on which the strength, solidity, and duration of the empire greatly depended; and I opposed, as far as my little powers went, all proceedings, either here or in America, that in my opinion had such tendency. Hence it has often happened to me, that

while I have been thought here too much of an American, I have in America been deemed too much of an Englishman.

From a thorough inquiry (on occasion of the Stamp Act) into the nature of the connexion between Britain and the colonies, I became convinced, that the bond of their union is not the Parliament, but the King. That, in removing to America, a country out of the realm, they did not carry with them the statutes then existing; for, if they did, the Puritans must have been subject *there* to the same grievous act of conformity, tithes, spiritual courts, &c., which they meant to be free from by going thither; and in vain would they have left their native country, and all the conveniences and comforts of its improved state, to combat the hardships of a new settlement in a distant wilderness, if they had taken with them what they meant to fly from, or if they had left a power behind them capable of sending the same chains after them, to bind them in America. They took with them, however, by compact, their allegiance to the King, and a legislative power for the making a new body of laws with his assent, by which they were to be governed. Hence they became distinct states, under the same prince, united as Ireland is to the *crown*, but not to the *realm*, of England, and governed each by *its* own laws, though with the same sovereign, and having each the right of granting its own money to that sovereign.

At the same time, I considered the King's supreme authority over all the colonies as of the greatest importance to them, affording a *dernier resort* for settling all their disputes, a means of preserving peace among them with each other, and a centre in which their common force might be united against a common enemy. This authority I therefore thought, when acting within its

due limits, should be ever as carefully supported by the colonists as by the inhabitants of Britain.*

In conformity with these principles, and as agent for the colonies, I opposed the Stamp Act, and endeavoured to obtain its repeal, as an infringement of the

* This doctrine, respecting the relation between the King and the colonies, and the limited power of Parliament over the latter, was much insisted on by Dr. Franklin, as may be seen in several of the preceding papers in this volume. He was charged with being the author of a tract on this subject, however, which he did not write. In the year 1774, a pamphlet was published anonymously in Philadelphia, entitled "Considerations on the Nature and Extent of the Legislative Authority of the British Parliament." This was copied into Rivington's *New York Gazette*, October 30th, 1774, and there ascribed to Dr. Franklin. Deceived by this Gazette, Dean Tucker, in his Fifth Tract, quoted a passage, which he censured, and for which he made Dr. Franklin answerable. Lord Mansfield, deceived in his turn by the authority of Dean Tucker, alluding to the same performance in a speech on American affairs, February 7th, 1775, in the House of Lords, said, "One of the most able American writers, after the fullest and clearest investigation of the subject, at last confesses, that no medium can possibly be devised, which will exclude the inevitable consequence of either system absolutely prevailing; for, take it up on which ground you will, the supremacy of the British legislature must be complete, entire, and unconditional; or, on the other hand, the colonies must be free and independent." The person alluded to, as "one of the most able American writers," was Franklin. It is not likely, however, that he had any knowledge of the pamphlet before its publication. It was written by James Wilson, a distinguished lawyer of Philadelphia, afterwards one of the Signers of the Declaration of Independence, and, under Washington's administration, one of the Associate Justices of the Supreme Court of the United States.

Another pamphlet was printed the same year in London, entitled, "An Appeal to the Justice and Interests of the People of Great Britain, in the Present Dispute with America," to which Dr. Franklin is supposed to have contributed. On this subject the author of "*Biographical, Literary, and Political Anecdotes of Several of the Most Eminent Persons of the Present Age*," (Vol. II. p. 325,) speaks as follows; "The tract was printed from the manuscript of Mr. Arthur Lee. But Dr. Franklin had a considerable share in the composition; and it might now, with no impropriety, be called Dr. Franklin's farewell address. It was the most sensible and judicious tract on that side of the question. Many thousands of it were circulated." By *farewell address* is meant, that it was published not long before Dr. Franklin left England to return to his own country. — Editor.

rights of the colonists, of no real advantage to Britain, since she might ever be sure of greater aids from our voluntary grants than she could expect from arbitrary taxes, as by losing our respect and affection, on which much of her commerce with us depended, she would lose more in that commerce than she could possibly gain by such taxes, and as it was detrimental to the harmony which had till then so happily subsisted, and which was so essential to the welfare of the whole. And to keep up, as much as in me lay, a reverence for the King and a respect for the British nation on that side the water, and, on this, some regard for the colonies, (both tending to promote that harmony,) I industriously, on all occasions, in my letters to America, represented the measures that were grievous to them, as being neither *royal* nor *national* measures, but the schemes of an administration, which wished to recommend itself for its ingenuity in finance, or to avail itself of new revenues in creating, by places and pensions, new dependencies; for that the King was a good and gracious prince, and the people of Britain their real friends. And on this side the water, I represented the people of America as fond of Britain, concerned for its interests and its glory, and without the least desire of a separation from it. In both cases I thought, and still think, I did not exceed the bounds of truth, and I have the heartfelt satisfaction attending good intentions, even when they are not successful.

With these sentiments I could not but see with concern the sending of troops to Boston; and their behaviour to the people there gave me infinite uneasiness, as I apprehended from that measure the worst of consequences, a breach between the two countries. And I was the more concerned when I found, that it was considered there as a national measure (since none here

opposed it), and as a proof that Britain had no longer a parental regard for them. I myself in conversation sometimes spoke of it in this light, and I own with some resentment (being myself a native of that country), till I was, to my great surprise, assured by a gentleman of character and distinction (whom I am not at present permitted to name), that not only the measure I particularly censured so warmly, but all the other grievances we complained of, took their rise, not from the government here, but were projected, proposed to administration, solicited, and obtained, by some of the most respectable among the Americans themselves, as necessary measures for the welfare of that country. As I could not readily assent to the probability of this, he undertook to convince me, and he hoped, through me (as their agent here), my countrymen. Accordingly, he called on me some days after, and produced to me these very letters from Lieutenant-Governor Hutchinson, Secretary Oliver, and others, which have since been the subject of so much discussion.

Though astonished, I could not but confess myself convinced, and I was ready, as he desired, to convince my countrymen; for I saw, I felt indeed by its effect upon myself, the tendency it must have towards a reconciliation, which for the common good I earnestly wished; it appeared, moreover, my *duty* to give my constituents intelligence of such importance to their affairs; but there was some difficulty, as this gentleman would not permit copies to be taken of the letters; and, if that could have been done, the authenticity of those copies might have been doubted and disputed. My simple account of them, as papers I had seen, would have been still less certain; I therefore wished to have the use of the originals for that purpose, which I at length obtained, on these express conditions; that they should

not be printed; that no copies should be taken of them; that they should be shown only to a few of the leading people of the government; and that they should be carefully returned.

I accepted those conditions, and under the same transmitted the original letters to the Committee of Correspondence at Boston, without taking or reserving any copy of them for myself. I agreed the more willingly to the restraint, from an apprehension, that a publication might, considering the state of irritation in which the minds of the people there had long been kept, occasion some riot of mischievous consequence. I had no other scruple in sending them, for, as they had been handed about here to injure that people, why not use them for their advantage? The writers, too, had taken the same liberty with the letters of others, transmitting hither those of Rosne and Auchmuty in confirmation of their own calumnies against the Americans; copies of some of mine, too, had been returned here by officers of government. Why, then, should theirs be exempt from the same treatment? To whom they had been directed here I could only conjecture; for I was not informed, and there was no address upon them when I received them. My letter, in which I enclosed them, expressed more fully the motives above mentioned for sending them, and I shall presently give an extract of so much of it as related to them.

But as it has, on the contrary, been roundly asserted that I *did not*, as agent, transmit those letters to the Assembly's Committee of Correspondence; that I sent them to a junto, *my peculiar* correspondents; that, fearing to be known as the person who sent them, I had insisted on the keeping that circumstance a secret; that I had "shown the utmost solicitude to have that secret kept"; and, as this has been urged as a demonstrative

proof, that I was conscious of guilt in the manner of obtaining them, and therefore feared a discovery so much as to have been afraid of putting my name to the letter in which I enclosed them, and which only appeared to be mine by my well-known handwriting; I would here, previous to that extract, observe, that on the same paper was first written the copy of a preceding letter, which had been first signed by me as usual; and accordingly, the letter now in question began with these words, "*The above is a copy of my last;*" and all the first part of it was on business transacted by me relating to the affairs of the province, and particularly to two petitions sent to me as agent by the Assembly, to be presented to the King. These circumstances must to every person there have as clearly shown me to be the writer of that letter, as my *well-known hand* must have done to those *peculiar correspondents* of my own, to whom it is said I sent it. If then I hoped to be concealed by not signing my name to such a letter, I must have been as silly as that bird, which is supposed to think itself unseen when it has hid only its head. And, if I could depend on my correspondents' keeping secret a letter and a transaction, which they must needs know were mine, I might as well have trusted them with my name, and could have had no motive for omitting it. In truth, all I insisted on was (in pursuance of my engagement), that the letters should not be printed or copied; but I had not at the time the least thought or desire of keeping my part in that transaction a secret; and, therefore, so far from requesting it, I did not so much as give the smallest intimation, even that it would be agreeable to me not to be mentioned on the occasion. And, if I had had that inclination, I must have been very weak indeed to fancy, that the person I wrote to, all the rest

of the Committee of Correspondence, five other persons named, and "*such others* as the Committee might think fit to show them to," with three gentlemen here to whom I had communicated the matter, should all keep as a secret on my account what I did not state as a secret, or request should be concealed.

So much of the letter as relates to the Governor's letter is as follows.

"On this occasion I think it fit to acquaint you, that there has lately fallen into my hands part of a correspondence, that I have reason to believe laid the foundation of most, if not all, our present grievances. I am not at liberty to tell through what channel I received it; and I have engaged that it shall not be printed, nor copies taken of the whole, or any part of it; but I am allowed to let it be seen by some men of worth in the province, for their satisfaction only. In confidence of your preserving inviolably my engagement, I send you enclosed the original letters, to obviate every pretence of unfairness in copying, interpolation, or omission. The hands of the gentlemen will be well known. Possibly they may not like such an exposal of their conduct, however tenderly and privately it may be managed. But, if they are good men, or pretend to be such, and agree that *all good men wish a good understanding and harmony to subsist between the colonies and their mother country*, they ought the less to regret, that, at the small expense of their reputation for sincerity and public spirit among their compatriots, *so desirable an event may in some degree be forwarded.* For my own part, I cannot but acknowledge, that my resentment against this country, for its arbitrary measures in governing us, conducted by the late minister, has, since my conviction by these papers that those measures were projected, advised, and called for by men of character among

ourselves, and whose advice must therefore be attended with all the weight that was proper to mislead, and which could therefore scarce fail of misleading; my own resentment, I say, has by this means been exceedingly abated. *I think they must have the same effect with you;* but I am not, as I have said, at liberty to make the letters public. I can only allow them to be seen by yourself, by the other gentlemen of the Committee of Correspondence, by Messrs. Bowdoin and Pitts of the Council, and Drs. Chauncy, Cooper, and Winthrop, with a few such other gentlemen as you may think fit to show them to. After being some months in your possession, you are requested to return them to me.

"As to the writers, I can easily as well as charitably conceive it possible, that men educated in prepossessions of the unbounded authority of Parliament, &c. may think unjustifiable every opposition even to its unconstitutional exactions, and imagine it their duty to suppress, as much as in them lies, such opposition. But, when I find them bartering away the liberties of their native country for posts, and negotiating for salaries and pensions extorted from the people; and, conscious of the odium these might be attended with, calling for troops to protect and secure the enjoyment of them; when I see them exciting jealousies in the crown, and provoking it to work against so great a part of its most faithful subjects; creating enmities between the different countries of which the empire consists; occasioning a great expense to the *old* country for suppressing or preventing imaginary rebellions in the *new*, and to the new country for the payment of needless gratifications to useless officers and enemies; I cannot but doubt their sincerity even in the political principles they profess, and deem them mere time-servers, seeking

their own private emolument, through any quantity of public mischief; betrayers of the interest, not of their native country only, but of the government they pretend to serve, and of the whole English empire.

"With the greatest esteem and respect, I have the honor to be, Sir, your and the Committee's most obedient humble servant,

"B. Franklin."

My next letter is of January 5th, 1773, to the same gentleman,* beginning with these words. "I did myself the honor of writing to you on the 2d of December past, enclosing some original letters from persons at Boston, which I hope got safe to hand;" and then it goes on with other business transacted by me as agent, and is signed with my name as usual. In truth I never sent an *anonymous* letter to any person in America, since my residence in London, unless where two or more letters happened to be on the same paper, the first a copy of a preceding letter, and the subsequent referring to the preceding; in that case, I may possibly have omitted signing more than one of them, as unnecessary.

The first letter, acknowledging the receipt of the papers, is dated "Boston, March 24th, 1773," and begins thus; "I have just received your favor of the 2d December last, with the several papers enclosed, for which I am much obliged to you. I have communicated them to some of the gentlemen you mentioned. They are of opinion, that, though it might be inconvenient to publish them, yet it might be expedient to have copies taken and left on this side the water, as there may be a necessity to make some use of them hereafter; however, I read to them what you wrote to me

* This gentleman was Thomas Cushing, Speaker of the House of Representatives in Massachusetts. — Editor.

upon the occasion, and told them I could by no means consent copies of them or any part of them should be taken without your express leave; that I would write to you upon the subject, and should strictly conform to your directions."

The next letter, dated April 20th, 1773, begins thus; "I wrote you in my last, that the gentlemen, to whom I had communicated the papers you sent me under cover of yours of the 2d of December last, were of opinion, that they ought to be retained on this side the water, to be hereafter employed as the exigency of our affairs may require, or at least that authenticated copies ought to be taken before they are returned. I shall have, I find, a very difficult task properly to conduct this matter, unless you obtain leave for their being retained or copied. I shall wait your directions on this head, and hope they will be such as will be agreeable to all the gentlemen, who unanimously are of opinion, that it can by no means answer any valuable purpose to send them here for the inspection of a few persons, barely to satisfy their curiosity."

On the 9th of March, I wrote to the same person, not having then received the preceding letters, and mentioned my having written to him on the 2d of December and 5th of January; and, knowing what use was made against the people *there*, of every trifling mob, and fearing lest, if the letters should contrary to my directions be made public, something more serious of the kind might happen, I concluded that letter thus; "I must hope that great care will be taken to keep our people quiet, since nothing is more wished for by our enemies, than that by insurrections we should give a good pretence for increasing the military among us, and putting us under more severe restraints. And it must be evident to all, that by our rapidly increasing strength

we shall soon become of so much importance, that none of our just claims or privileges will be, as heretofore, unattended to, nor any security we can wish for our rights be denied us."

Mine of May 6th begins thus; "I have received none of your favors, since that of November 28th. I have since written to you of the following dates, December 2d, January 5th, March 9th, and April 3d, which I hope got safe to hand." Thus in two out of three letters, subsequent to that of December 2d, which enclosed the Governor's letters, I mentioned my writing that letter, which shows I could have no intention of concealing my having written it; and that therefore the assertion of my sending it anonymously is without probability.

In mine of June 2d, 1773, I acknowledge the receipt of his letter of March 24th, and, not being able to answer immediately his request of leave to copy the letters, I said nothing of them then, postponing that subject to an opportunity which was expected two days after, viz. June 4th, when my letter of that date concludes thus; "As to the letters I communicated to you, though I have not been able to obtain leave to take copies or publish them, I have permission to let the originals remain with you, as long as you may think it of any use to have the originals in possession."

In mine of July 1773, I answer the above of April 20th as follows; "The letters communicated to you were not merely to satisfy the curiosity of any, but it was thought there might be a use in showing them to some friends of the province, and *even to some of the governor's party*, for their more certain information concerning his conduct and politics, though the letters were not made quite public. I believe I have since written to you, that there was no occasion to

return them speedily; and, though I cannot obtain leave as yet to suffer copies to be taken of them, I am allowed to say, that they may be shown and read to whom and as many as you think proper." *

The same person wrote to me June 14th, 1773, in these terms; "I have endeavoured inviolably to keep to your injunctions with respect to the papers you sent me; I have shown them only to such persons as you directed; no one person, except Dr. Cooper and one of the Committee, knows from whom they came or to whom they were sent. I have constantly avoided mentioning your name upon the occasion, so that it never need be known (if you incline to keep it a secret) whom they came from, and to whom they were sent; and *I desire, so far as I am concerned, my name may not be mentioned; for it may be a damage to me.* I thought it, however, my duty to communicate them as permitted, as they contained matters of importance that very nearly affected the government. And, notwithstanding all my care and precaution, it is now publicly known that such letters are here. Considering the number of persons

* He expressed similar sentiments in a letter to Dr. Cooper, dated July 7th, 1773. "You mention the surprise of gentlemen," said he, "to whom those letters have been communicated, at the restrictions with which they were accompanied, and which they suppose render them incapable of answering any important end. One great reason of forbidding their publication was an apprehension, that it might put all the possessors of such correspondence here upon their guard, and so prevent the obtaining more of it. And it was imagined, that showing the originals to so many as were named, and to a few such others as they might think fit, would be sufficient to establish their authenticity, and to spread through the province so just an estimation of the writers, as to strip them of all their deluded friends, and demolish effectually their interest and influence. The letters might be shown even to some of the Governor's and Lieutenant-Governor's partisans, and spoken of to everybody; for there was no restraint proposed to talking of them, but only to copying. However the terms given with them could only be those with which they were received." — EDITOR.

who were to see them, (not less than ten or fifteen,) it is astonishing they did not get air before." Then he goes on to relate how the Assembly, having heard of them, obliged him to produce them, but engaged not to print them; and that they afterwards did nevertheless print them, having got over that engagement by the appearance of copies in the House, produced by a member, who it was reported had just received them from England. This letter concludes; "I have done all in my power strictly to conform to your restrictions; but, from the circumstances above related, you must be sensible it was impossible to prevent the letters being made public, and therefore hope I shall be free from all blame respecting this matter."

This letter accounts for its being, *unexpectedly to me*, made a secret in Boston, that I had sent the letters. The gentleman to whom I sent them had his reasons for desiring not to be known as the person who received and communicated them; but as this would have been suspected, if it were known that I sent them, that circumstance was to be kept a secret. Accordingly they were given to another, to be by him produced by the committee.

My answer to this was of July 25th, 1773, as follows; "I am favored with yours of June 14th, containing some copies of the resolves of the committee upon the letters. I see by your account of the transaction, that you could not well prevent what was done. As to the report of other copies being come from England, I think that could not be. It was an expedient to disengage the House. I hope the possession of the originals, and the proceedings upon them, will be attended with salutary effects to the province, and then I shall be well pleased. I observe what you mention, that no person besides Dr. Cooper and one of the com-

mittee knew they came from me. I did not accompany them with any request of being myself concealed; for, believing what I did to be in the way of my *duty* as agent, though I had no doubt of its giving offence, not only to the parties exposed, but to administration here, I was regardless of the consequences. However, since the letters themselves are now copied and printed, contrary to the promise I made, I am glad my name has not been heard on the occasion; and, as I do not see it could be of any use to the public, I now wish it may continue unknown, though I hardly expect it. As to yours, you may rely on my never mentioning it, except that I may be obliged to show your letter in my own vindication, to the person only who might otherwise think he had reason to blame *me* for breach of engagement."

With the abovementioned letter of the 14th of June, I received one from another of the gentlemen* to whom the papers had been communicated, which says; "By whom and to whom they were sent is still a secret, known only to three persons here, and may still remain so, if you desire it." My answer to him of July 25th, was; "I accompanied them with no restriction relating to myself; my duty to the province as their agent, I thought, required the communication of them so far as I could. I was sensible I should make enemies there, and perhaps might offend government here; but these apprehensions I disregarded. I did not expect, and hardly still expect, that my sending them could be kept a secret. But since it is such hitherto, I now wish it may continue so; because the publication of the letters, contrary to my engagement, has changed the circumstances." His reply to this, of the 10th of

* The Reverend Dr. Cooper, of Boston. — Editor.

November, is; "After all the solicitous inquiries of the governor and his friends respecting his letters, it still remains a secret from and to whom they were sent here. This is known, among us, to two only besides myself; and will remain undiscovered, unless further intelligence should come from your side the water, than I have reason to think has yet been obtained. I cannot, however, but admire your honest openness in this affair, and noble negligence of any inconveniences that might arise to yourself in this essential service to our injured country."

To another friend * I wrote of the same date, July 25th, what will show the apprehensions I was constantly under, of the mischiefs that would attend a breach from the exasperated state of things, and the arguments I used to prevent it; viz. "I am glad to see that you are elected into the council, and are about to take part in our public affairs. Your abilities, integrity, and sober attachment to the liberties of our country, will be of great use, at this tempestuous time, in conducting our little bark into a safe harbour. By the Boston newspapers there seem to be among us some violent spirits, who are for an immediate rupture. But, I trust, the general prudence of our countrymen will see, that by our growing strength we advance fast to a situation in which our claims must be allowed; that by a premature struggle we may be crippled and kept down another age; that, as between friends every affront is not worth a duel, and between nations every injury is not worth a war; so between the governed and the governing, every mistake in government, every encroachment on rights, is not worth a rebellion. It is, in my opinion, sufficient for the present that we hold

* Mr. Adam Winthrop, of Boston, a member of his Majesty's Council in Massachusetts. — EDITOR.

them forth on all occasions, not giving up any of them; using, at the same time, every means to make them generally understood and valued by the people; cultivating a harmony among the colonies, that their union in the same sentiments may give them greater weight; remembering withal that this Protestant country (our mother, though of late an unkind one,) is worth preserving; and that her weight in the scale of Europe, her safety, in a great degree, may depend on our union with her. Thus conducting, I am confident, we may within a few years obtain every allowance of, and every security for, our inestimable privileges, that we can wish or desire."

His answer, of December 31st, is; "I concur perfectly with you in the sentiments expressed in your last. No considerate person, I should think, can approve of desperate remedies, except in desperate cases. The people of America are extremely agitated by the repeated efforts of administration to subject them to absolute power. They have been amused with accounts of the pacific disposition of the ministry, and flattered with assurances, that, upon their humble petitions, all their grievances would be redressed. They have petitioned from time to time; but their petitions have had no other effect than to make them feel more sensibly their own slavery. Instead of redress, every year has produced some new manœuvre, which could have no tendency but to irritate them more and more. The last measure of the East India Company's sending their tea here, subject to a duty, seems to have given the finishing stroke to their patience. You will have heard of the steps taken at Boston, New York, and Philadelphia, to prevent the payment of this duty, by sending the tea back to its owners. But, as this was found impossible at Boston, the destruction of the

tea was the consequence. What the event of these commotions will be, God only knows. The people through the colonies appear immovably fixed in their resolution, that the tea duty shall never be paid; and, if the ministry are determined to enforce these measures, I dread the consequences; I verily fear they will turn America into a field of blood. But I will hope for the best."

I am told, that administration is possessed of most of my letters sent or received on public affairs for some years past; copies of them having been obtained from the files of the several assemblies, or as they passed through the post-office. I do not condemn their ministerial industry or complain of it. The foregoing extracts may be compared with those copies; and I can appeal to them with confidence, that, upon such comparison, these extracts will be found faithfully made; and that the whole tenor of my letters has been, to persuade patience and a careful guarding against all violence, under the grievances complained of, and this from various considerations, such as, that the welfare of the empire depended upon the union of its parts; that the sovereign was well disposed towards us, and the body of this nation our friends and well-wishers; that it was the ministry only who were prejudiced against us; that the sentiments of ministers might in time be changed, or the ministers themselves be changed; or that, if those chances failed, at least time would infallibly bring redress, since the strength, weight, and importance of America were continually and rapidly increasing, and its friendship, of course, daily becoming more valuable, and more likely to be cultivated by an attention to its rights. The newspapers have announced, that *treason* is found in some of my letters. It must, then, be of some new species.

The invention of court lawyers has always been fruitful in the discovery of new treasons; and perhaps it is now become treason to censure the conduct of ministers. None of any other kind, I am sure, can be found in my correspondence.*

The effect of the governor's letters on the minds of the people in New England, when they came to be read there, was precisely what had been expected, and proposed by sending them over. It was now seen, that the grievances, which had been so deeply resented

* The foregoing statement was made to repel the abusive and false charges in Mr. Wedderburn's speech before the Privy Council, respecting the manner in which Hutchinson's letters were transmitted to Boston by Dr. Franklin.

"If the desiring of secrecy be proof," said Mr. Wedderburn, "and the measure of guilt, what then are we to think of Dr. Franklin's case; whose whole conduct in this affair has been secret and mysterious, and who, through the whole course of it, has discovered the utmost solicitude to keep it so? My Lords, my accounts say, that when these letters were sent over to Boston, so very desirous was Dr. Franklin of secrecy, that he did not choose to set his name to the letter which accompanied them. This anonymous letter expressly ordered, that it should be shown to none but to a junto of six persons. If the Doctor choose it, I will name the six. The direction of every letter was erased, and strict orders were given, that they should be carefully returned again to London. The manner in which they were brought into the Assembly, all showed the most earnest desire of concealment. Under these mysterious circumstances have the Assembly passed their censures, and voted this address to his Majesty against Mr. Hutchinson and Mr. Oliver, upon account of a parcel of letters directed to somebody, they know not whom, and sent from somebody, they know not where." Again; "My Lords, when an agent means to write to the Assembly, he addresses his letter to the Speaker, to be communicated to the House. And the Doctor knows, that there are many articles in the Journals of this tenor; 'A letter from Dr. Franklin to the Speaker was read.' But the course taken with these letters was just the reverse of this. The letter which came with them was anonymous, though the hand was well known; too well perhaps known to the selected few, who only were to be allowed the sight of it. Since, therefore, the Doctor has told us, that he transmitted these letters to his constituents, we know now who they are. His constituents, by his own account, must be this particular junto; for to them, and them *only*, were the letters communicated." — *Wedderburn's Speech.* — EDITOR.

as measures of the mother country, were in fact the measures of two or three of their own people; of course all that resentment was withdrawn from her, and fell where it was proper it should fall, on the heads of those caitiffs, who were the authors of the mischief. Both Houses * took up the matter in this light; and the House of Representatives agreed to the following resolves, reported by the committee appointed to consider the letters; viz.

"The Committee appointed to consider certain Letters laid before the House of Representatives, reported the following Resolves.

"Tuesday, June 15th, 1773.

"Resolved, That the letters signed *Tho. Hutchinson* and *Andw. Oliver*, now under the consideration of this House, appear to be the genuine letters of the present governor and lieutenant-governor of this province, whose handwriting and signatures are well known to many of the members of this House; and that they contain aggravated accounts of facts and misrepresentations; and that one *manifest design* of them was to represent the matters they treat of in a light *highly injurious* to this province, and the persons against whom they were written.

"Resolved, That, though the letters aforesaid, signed *Tho. Hutchinson*, are said by the governor in his message to this House of June 9th, to be 'private letters written to a gentleman in London, since deceased,' and 'that all except the last were written many months before he came to the chair'; yet that they were written by the present governor, *when he was lieutenant-governor and chief justice* of this province; who has been represented abroad as *eminent for his abilities*, as for his exalted station; and was under no official obligation to transmit private intelligence; and that they *therefore must be considered* by the person to whom they were sent, as *documents of solid intelligence;* and that this gentleman in London, to whom they were written, was then a member of the British Parliament, and one who was very active in American affairs; and therefore that these letters, however secretly written, *must naturally be supposed to have, and really had, a public operation.*

* That is, the Council and House of Representatives of Massachusetts. — Editor.

"Resolved, That these 'private letters' being written 'with express confidence of secrecy' was only to prevent the contents of them being known *here*, as appears by said letters; and this rendered them the more injurious in their tendency, and really insidious.

"Resolved, That the letters signed *Tho. Hutchinson*, considering the person by whom they were written, the matters they expressly contain, the express reference in some of them for 'full intelligence' to Mr. Hallowell, a person deeply interested in the measures so much complained of, and recommendatory notices of divers other persons, whose emoluments arising from our public burdens must excite them to unfavorable representations of us, *the measures they suggest*, the temper in which they were written, the manner in which they were sent, and the person to whom they were addressed, had a natural and *efficacious* tendency to interrupt and alienate the affections of our most gracious sovereign King George the Third, from this his loyal and affectionate province; to destroy that harmony and good-will between Great Britain and this colony, which every friend to either would wish to establish; to excite the resentment of the British administration against this province; to defeat the endeavours of our agents and friends to serve us by a fair representation of our state of grievances; to prevent our humble and repeated petitions from reaching the royal ear of our common sovereign; and *to produce the severe and destructive measures*, which have been taken against this province, and others still more so, which have been threatened.

"Resolved, As the opinion of this House, that it clearly appears from the letters aforesaid, signed *Tho. Hutchinson* and *Andw. Oliver*, that it was the desire and endeavour of the writers of them, that *certain acts* of the British Parliament for raising a revenue in America, *might be carried into effect by military force;* and, by introducing a fleet and army into this his Majesty's loyal province, to intimidate the minds of his subjects here, and prevent every constitutional measure to obtain the repeal of those acts, so justly esteemed a grievance to us, and to suppress the very spirit of freedom.

"Resolved, That it is the opinion of this House, that, as the salaries lately appointed for the governor, lieutenant-governor, and judges of this province, directly repugnant to the charter, and subversive of justice, are founded on this revenue; and as these letters were written *with a design*, and *had a tendency*, to *promote* and *support* that revenue, therefore there is great reason to suppose the writers of those letters *were well knowing to, suggested, and*

promoted the enacting said revenue acts, and the establishments founded on the same.

"Resolved, That, while the writer of these letters, signed *Tho. Hutchinson*, has been thus exerting himself, by his 'secret confidential correspondence,' to introduce measures destructive of our constitutional liberty, he has been practising every method among the people of this province, to fix in their minds an exalted opinion of his warmest affection for them, and his unremitted endeavours to promote their best interests at the court of Great Britain.

"Resolved, as the opinion of this House, That, by comparing these letters, signed *Tho. Hutchinson*, with those signed *Andw. Oliver*, *Cha. Paxton*, and *Nath. Rogers*, and considering what has since in fact taken place conformable thereto, *that there have been for many years past measures contemplated, and a plan formed, by a set of men born and educated among us*, to raise their own fortunes, and advance themselves to posts of honor and profit, not only to the destruction of the charter and constitution of this province, but at the expense of the rights and liberties of the American colonies. And it is further the opinion of this House, that the said persons have been some of the *chief instruments in the introduction* of a military force into the province, to carry their plans into execution; and, therefore, *they have been not only greatly instrumental* in disturbing the peace and harmony of the government, and causing and promoting great discord and animosities, but are *justly chargeable* with the great corruption of morals, and *all that confusion, misery, and bloodshed, which have been the natural effects of the introduction of troops.*

"Whereas, for many years past, measures have been taken by the British administration, very grievous to the good people of this province, which this House have now reason to suppose were promoted, if not originally suggested, by the writers of these letters; and many efforts have been made by the people to obtain the redress of their grievances;

"Resolved, That it appears to this House, that the writers of these letters have availed themselves of disorders that naturally arise in a free government under such oppressions, as arguments to prove, that it was originally necessary such measures should have been taken, and that they should now be continued and increased.

"Whereas, in the letter signed *Cha. Paxton*, dated Boston Harbour, June 20th, 1768, it is expressly declared, that 'unless we have immediately two or three regiments, it is the opinion of all the friends of government, that Boston will be in open rebellion;'

"Resolved, That this is a most wicked and injurious representation, designed to inflame the minds of his Majesty's ministers and the nation; and to excite in the breast of our sovereign a jealousy of his loyal subjects of said town, without the least grounds therefor, as enemies of his Majesty's person and government.

"Whereas, certain letters by two private persons, signed *T. Moffat* and *G. Rome*, have been laid before the House, which letters contain many matters highly injurious to government, and to the national peace;

"Resolved, That it has been the misfortune of their government, from the earliest period of it, from time to time, to be secretly traduced and maliciously represented to the British ministry, by persons who were neither friendly to this colony nor to the English constitution.

"Resolved, That this House have just reason to complain of it as a very great grievance, that the humble petitions and remonstrances of the commons of this province are not allowed to reach the hands of our most gracious sovereign, merely because they are presented by an agent, to whose appointment the governor, with whom our chief dispute may subsist, doth not consent; while the *partial* and *inflammatory letters* of individuals, who are greatly interested in the revenue acts, and the measures taken to carry them into execution, *have been laid before administration, attended to, and determined upon*, not only to the injury of the reputation of the people, but to the depriving them of their invaluable rights and liberties.

"Whereas, this House are humbly of opinion, that his Majesty will judge it to be incompatible with the interest of his crown, and the peace and safety of the good people of this his loyal province, that persons should be continued in places of high trust and authority in it, who are known to have with great industry, though secretly, endeavoured to undermine, alter, and overthrow the constitution of the province; therefore,

"Resolved, That this House is bound, in duty to the King and their constituents, humbly to remonstrate to his Majesty the conduct of his Excellency Thomas Hutchinson, Esquire, Governor, and the Honorable Andrew Oliver, Esquire, Lieutenant-Governor, of this province; and to pray that his Majesty would be pleased to remove them for ever from the government thereof." *

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* The House of Representatives adopted these Resolves, as here reported, by a large majority. The Council almost unanimously passed a series of Resolves, on the 25th of June, embodying similar sentiments. — Editor.

Upon these Resolutions was founded the following petition, transmitted to me to be presented to his Majesty.

"TO THE KING'S MOST EXCELLENT MAJESTY.

"MOST GRACIOUS SOVEREIGN,

"We, your Majesty's loyal subjects, the representatives of your ancient colony of Massachusetts Bay, in General Court legally assembled, by virtue of your Majesty's writ under the hand and seal of the Governor, beg leave to lay this our humble petition before your Majesty.

"Nothing but the sense of duty we owe to our sovereign, and the obligation we are under to consult the peace and safety of the province, could induce us to remonstrate to your Majesty concerning the mal-conduct of persons, who have heretofore had the confidence and esteem of this people; and whom your Majesty has been pleased, from the purest motives of rendering your subjects happy, to advance to the highest places of trust and authority in the province.

"Your Majesty's humble petitioners, with the deepest concern and anxiety, have seen the discords and animosities which have too long subsisted between your subjects of the parent state and those of the American colonies. And we have trembled with apprehensions, that the consequences, naturally arising therefrom, would at length prove fatal to both countries.

"Permit us humbly to suggest to your Majesty, that your subjects here have been inclined to believe, that the grievances which they have suffered, and still continue to suffer, have been occasioned by your Majesty's ministers and principal servants being, unfortunately for us, misinformed in certain facts of very interesting importance to us. It is for this reason, that former assemblies have, from time to time, prepared a true state of facts to be laid before your Majesty; but their humble remonstrances and petitions, it is presumed, have by some means been prevented from reaching your royal hand.

"Your Majesty's petitioners have very lately had before them *certain papers*, from which they humbly conceive it is most reasonable to suppose, that there has been long a conspiracy of evil men in this province, who have contemplated measures, and formed a plan, to advance themselves to power, and raise their own fortunes, by means destructive of the charter of the province, at the expense of the quiet of the nation, and to the annihilating of the rights and liberties of the American colonies.

"And we do, with all due submission to your Majesty, beg leave particularly to complain of the conduct of his Excellency Thomas Hutchinson, Esquire, Governor, and the Honorable Andrew Oliver, Esquire, Lieutenant-Governor of this your Majesty's province, as having a natural and efficacious tendency to interrupt and alienate the affections of your Majesty, our rightful sovereign, from this your loyal province; to destroy that harmony and good-will between Great Britain and this colony, which every honest subject should strive to establish; to excite the resentment of the British administration against this province; to defeat the endeavours of our agents and friends to serve us by a fair representation of our state of facts; to prevent our humble and repeated petitions from reaching the ear of your Majesty, or having their desired effect. And, finally, that the said Thomas Hutchinson and Andrew Oliver have been among the chief instruments in introducing a fleet and army into this province, to establish and perpetuate their plans, whereby they have been, not only greatly instrumental in disturbing the peace and harmony of the government, and causing unnatural and hateful discords and animosities between the several parts of your Majesty's extensive dominions, but are justly chargeable with all that corruption of morals, and all that confusion, misery, and bloodshed, which have been the natural effects of posting an army in a populous town.

"Wherefore we most humbly pray, that your Majesty would be pleased to remove from their posts in this government the said Thomas Hutchinson, Esquire, and Andrew Oliver, Esquire; who have, by their abovementioned conduct, and otherwise, rendered themselves justly obnoxious to your loving subjects, and entirely lost their confidence; and place such good and faithful men in their stead, as your Majesty in your wisdom shall think fit.

"In the name and by order of the House of Representatives.

"THOMAS CUSHING, *Speaker.*"

Lord Dartmouth, Secretary of State for the colonies, being in the country when I received this petition, I transmitted it to his Lordship, enclosed in a letter, of which the following is a copy, as also of his answer.

"TO THE RIGHT HONORABLE THE EARL OF DARTMOUTH.

"London, August 21st, 1773.

"MY LORD,

"I have just received, from the House of Representatives of the Massachusetts Bay, their address to the King, which I now enclose,

and send to your Lordship, with my humble request in their behalf, that you would be pleased to present it to his Majesty the first convenient opportunity.

"I have the pleasure of hearing from that province by my late letters, that a sincere disposition prevails in the people there to be on good terms with the mother country; that the Assembly have declared their desire only to be put into the situation they were in before the Stamp Act. *They aim at no novelties.* And it is said, that, having lately discovered, as they think, the authors of their grievances to be some of their own people, their resentment against Britain is thence much abated.

"This good disposition of theirs (will your Lordship permit me to say) may be cultivated by a favorable answer to this address, which I therefore hope your goodness will endeavour to obtain. With the greatest respect, I have the honor to be, my Lord, &c.,

"B. FRANKLIN,

"*Agent for the House of Representatives.*"

"LORD DARTMOUTH'S ANSWER.

"Sandwell, 25th of August, 1773.

"SIR,

"I have received your letter of the 21st instant, together with an address of the House of Representatives of the Massachusetts Bay, which I shall not fail to lay before the King the next time I shall have the honor of being admitted into his presence. I cannot help expressing to you the pleasure it gives me to hear, that a sincere disposition prevails in the people of that province to be on good terms with the mother country, and my earnest hope that the time is at no great distance, when every ground of uneasiness will cease, and the most perfect tranquillity and happiness be restored to the breasts of that people.

"I am, Sir, your most obedient humble servant,

"DARTMOUTH.

"BENJAMIN FRANKLIN, ESQ."

No one, who knows Lord Dartmouth, can doubt the sincerity of the good wishes expressed in his letter to me; and, if his Majesty's other servants had fortunately been possessed of the same benevolent dispositions, with as much of that attention to the public interest, and dexterity in managing it, as statesmen of this country generally show in obtaining and securing

their *places*, here was a fine opportunity put into their hands of "reëstablishing the union and harmony that formerly subsisted between Great Britain and her colonies," so necessary to the welfare of both, and upon the easy condition of only "restoring things to the state they were in at the conclusion of the late war." This was a solemn declaration sent over from the province most aggrieved, in which they acquitted Britain of their grievances, and charged them all upon a few individuals of their own country. Upon the heads of these very mischievous men they deprecated no vengeance, though that of the whole nation was justly merited; they considered it as an hard thing for an administration to punish a governor who had acted from orders, though the orders had been procured by his misrepresentations and calumnies; they therefore only petitioned, "that his Majesty would be pleased to remove Thomas Hutchinson, Esquire, and Andrew Oliver, Esquire, from their posts in that government, and place good and faithful men in their stead." These men might have been placed or pensioned elsewhere, as others have been; or, like the scape-goats of old, they might have carried away into the wilderness all the offences which have arisen between the two countries, with the burdens of which, they, having been the authors of these mischiefs, were most justly chargeable.

But this opportunity ministers had not the wisdom to embrace; they chose rather to reject it, and to abuse and punish me for giving it. A court clamor was raised against me as an incendiary; and the very action upon which I valued myself, as it appeared to me a means of lessening our differences, I was unlucky enough to find charged upon me, as a wicked attempt to increase them. Strange perversion!

I was, it seems, equally unlucky in another action, which I also intended for a good one, and which brought on the abovementioned clamor. The news being arrived here of the publication of those letters in America, great inquiry was made, who had transmitted them. Mr. Temple, a gentleman of the customs, was accused of it in the papers. He vindicated himself. A public altercation ensued upon it between him and a Mr. Whately, brother and executor to the person to whom it was supposed the letters had been originally written, and who was suspected by some of communicating them; on the supposition, that by his brother's death they might have fallen into his hands. As the gentleman, to whom I sent them, had, in his letter to me above recited, given an important reason for his desiring it should be concealed, that he was the person who received them, and had for the same reason chosen not to let it be known I sent them, I suffered that altercation to go on without interfering, supposing it would end, as other newspaper controversies usually do, when the parties and the public should be tired of them. But this dispute unexpectedly and suddenly produced a duel. The gentlemen were parted; Mr. Whately was wounded, but not dangerously. This, however, alarmed me, and made me wish I had prevented it; but, imagining all now over between them, I still kept silence, till I heard that the duel was understood to be unfinished, (as having been interrupted by persons accidentally near,) and that it would probably be repeated as soon as Mr. Whately, who was mending daily, had recovered his strength. I then thought it high time to interpose; and, as the quarrel was for the public opinion, I took what I thought the shortest way to settle that opinion, with regard to the parties, by publishing what follows.

"TO THE PRINTER OF THE PUBLIC ADVERTISER.

"SIR,

"Finding that two gentlemen have been unfortunately engaged in a duel, about a transaction and its circumstances, of which both of them are totally ignorant and innocent; I think it incumbent upon me to declare (for the prevention of farther mischief, as far as such a declaration may contribute to prevent it), that I alone am the person who obtained and transmitted to Boston the letters in question. Mr. W. could not communicate them, because they were never in his possession; and, for the same reason, they could not be taken from him by Mr. T. They were not of the nature of *private* letters between friends. They were written by public officers to persons in public stations, on public affairs, and intended to procure public measures; they were therefore handed to other public persons, who might be influenced by them to produce those measures. Their tendency was to incense the mother country against her colonies, and, by the steps recommended, to widen the breach; which they effected. The chief caution expressed with regard to privacy was, to keep their contents from the colony agents, who, the writers apprehended, might return them, or copies of them to America. That apprehension was, it seems, well founded; for the first agent who laid his hands on them, thought it his duty* to transmit them to his constituents.

"B. FRANKLIN,
"*Agent for the House of Representatives of Massachusetts Bay.*

"Craven Street, December 25th, 1773."

This declaration of mine was at first generally approved, except that some blamed me for not having made it sooner, so as to prevent the duel; but I had not the gift of prophecy; I could not foresee that the gentlemen would fight; I did not even foresee that either of them could possibly take it ill of me. I imagined I was doing them a good office, in clearing both

* In remarking on this word as here used, Dr. Franklin said, in a note found in his handwriting; "Governor Hutchinson, as appears by his letters, since found and published in New England, had the same idea of *duty*, when he procured copies of Dr. Franklin's letters to the Assembly, and sent them to the ministry of England."— EDITOR.

of them from suspicion, and removing the cause of their difference. I should have thought it natural for them both to have thanked me; but I was mistaken as to one of them. His wound perhaps at first prevented him, and afterwards he was tutored probably to another kind of behaviour by his court connexions.

My only acquaintance with this gentleman, Mr. William Whately, was from an application he made to me to do him the favor of inquiring after some land in Pennsylvania, supposed to have been purchased anciently from the first proprietor, by a Major Thomson, his grandfather, of which they had some imperfect memorandums in the family, but knew not whether it might not have been sold or conveyed away by him in his lifetime, as there was no mention of it in his will. I took the trouble of writing, accordingly, to a friend of mine, an eminent lawyer there, well acquainted with such business, desiring him to make the inquiry. He took some pains in it at my request, and succeeded; and in a letter informed me, that he had found the land; that the proprietary claimed it, but he thought the title was clear to the heir of Thomson; that he could easily recover it for him, and would undertake it, if Mr. Whately should think fit to employ him; or, if he should rather choose to sell it, my friend empowered me to make him an offer of five thousand pounds sterling for it. With this letter I waited upon him about a month before the duel, at his house in Lombard Street, the first time I had ever been in it. He was pleased with the intelligence, and called upon me once or twice afterwards to concert the means of making out his title.

I mention some of these circumstances to show, that it was not through any previous acquaintance with him that I came to the knowledge of the famous letters;

for they had been in America near a year before I so much as knew where he lived; and the others I mention to show his gratitude. I could have excused his not thanking me for sparing him a second hazard of his life; for, though he might feel himself served, he might also apprehend, that to seem pleased would look as if he was afraid of fighting again; or perhaps he did not value his life at any thing; but the addition to his fortune one would think of some value to a banker; and yet the return this worthy gentleman made me for both favors was, without the smallest previous notice, warning, complaint, or request to me, directly or indirectly, to clap upon my back a chancery suit.

His bill set forth, "That he was administrator of the goods and chattels of his late brother Thomas Whately; that some letters had been written to his said brother by the Governors Hutchinson and Oliver; that those letters had been in the custody of his said brother at the time of his death, *or had been by him delivered to some other person for perusal*, and to be by such person safely kept and returned to said Thomas Whately; that the same had by some means come into my hands; that, to prevent a discovery, I, or some person by my order, had erased the address of the letters to the said Thomas Whately; that, carrying on the trade of a printer, I had, by my agents or *confederates*, printed and published the same letters in America, and disposed of great numbers; that I threatened to print and sell the same in England; and that *he had applied to me* to deliver up to him the said letters, and all copies thereof, and desist from printing and publishing the same, and *account with him* for the *profits* thereof; and he was in hopes I would have complied with such request, but *so it was that I had refused*, &c., contrary to equity and *good conscience*,

and to the manifest *injury* and *oppression* of him, the complainant; and praying my Lord Chancellor, that I might be obliged to discover how I came by the letters, what number of copies I had printed and sold, and *to account with him for the profits*," &c. &c. The gentleman himself must have known, that *every circumstance* of this was *totally false;* that of his brother's having *delivered the letters to some other person for perusal* excepted. Those as little acquainted with law as I was, (who indeed never before had a lawsuit of any kind,) may wonder at this as much as I did; but I have now learnt, that in chancery, though the *defendant* must swear the truth of every point in his answer, the *plaintiff* is not put to his oath, or obliged to have the least regard to truth in his bill, but is allowed to lie as much as he pleases. I do not understand this, unless it be for the encouragement of business.

My answer upon oath was, "That the letters in question were given to me, and came into my hands, *as agent for the House of Representatives of the Province of Massachusetts Bay;* that, when given to me, I did not know to whom they had been addressed, no address appearing upon them; nor did I know before that any such letters existed; that I had not been for many years concerned in printing; that I did not cause the letters to be printed, nor direct the doing it; that I did not erase any address that might have been on the letters, nor did I know that any other person had made such erasure; that I did, as agent to the province, transmit (as I apprehended it my duty to do) the said letters to one of the committee, with whom I had been directed to correspond, inasmuch as in my judgment they related to matters of great public importance to that province, and were put into my hands

for that purpose; that I had never been applied to by the complainant, as asserted in his bill, and had made no profits of the letters, nor intended to make any," &c.

It was about this time become evident, that all thoughts of reconciliation with the colony of the Massachusetts Bay, by attention to their petitions, and a redress of their grievances, was laid aside; that severity was resolved; and that the decrying and vilifying the people of that country, and me their agent, among the rest, was quite a court measure. It was the *ton* with all the ministerial folks to abuse them and me, in every company, and in every newspaper; and it was intimated to me, as a thing settled, long before it happened, that the petition for removal of the governors was to be rejected, the Assembly censured, and myself, who had presented it, was to be punished by the loss of my place in the post-office.* For all this I was therefore prepared; but the attack from Mr. Whately was, I own, a surprise to me; under the abovementioned circumstances of obligation, and without the slightest provocation, I could not have imagined any man base enough to commence, *of his own motion*, such a vexatious suit against me. But a little accidental information served to throw some light upon the business. An acquaintance† calling on me, after having just been at the treasury, showed me what he styled *a pretty thing*, for a friend of his; it was an order for one hundred and fifty pounds, payable to Dr. Samuel Johnson, said to be one half of his yearly pension, and drawn by the secretary of the treasury on

* For several years Dr. Franklin had held the office of Deputy Postmaster-General of the Colonies. — EDITOR.

† William Strahan, Member of Parliament, and King's Printer. — W. T. F.

this same Mr. Whately. I then considered him as a banker to the treasury for the pension money, and thence as having an interested connexion with the administration, that might induce him to *act by direction* of others in harassing me with this suit; which gave me if possible a *still meaner* opinion of him, than if he had done it of his own accord.

What further steps he or his *confederates*, the ministers, will take in this cause, I know not. I do not indeed believe the banker himself, finding there are no *profits* to be shared, would willingly lay out a sixpence more upon the suit; but then my finances are not sufficient to cope at law with the *treasury* here; especially when administration has taken care to prevent my constituents of New England from paying me any salary, or reimbursing me any expenses, by a special instruction to the governor, *not to sign any warrant for that purpose on the treasury there.*

The injustice of thus depriving the people there of the use of their own money, to pay an agent acting in their defence, while the governor, with a large salary out of the money extorted from them by act of Parliament, was enabled to pay plentifully Mauduit and Wedderburn to abuse and defame them and their agent, is so evident as to need no comment. But this they call GOVERNMENT!

NOTE BY THE EDITOR,

CONTAINING OTHER PARTICULARS RESPECTING HUTCHINSON'S LETTERS.

Much curiosity has been expressed, and much inquiry made, as to the mode in which Dr. Franklin obtained possession of these letters; but nothing more is positively known on this point, than what he has related in the preceding narrative. Having received them under an injunction of secrecy, and a solemn pledge not to reveal the names of the persons concerned, he maintained a perfect silence on the subject to the end of his life. It is not certain from any facts hitherto published, that he was himself informed of the manner in which they were procured, or the place where they were found. It is indeed probable, that he was purposely kept ignorant of these particulars, that he might not in any event be involved in personal difficulties on their account. This may be inferred from the circumstance, that, when the letters were put into his hands, the name of the person to whom they had been addressed was erased. Their genuineness was proved by the handwriting, and the signatures of their authors, which were familiar to him.

In the year 1820, Dr. Hosack, of New York, published a *Biographical Memoir of Dr. Hugh Williamson*, a gentleman well known for his scientific attainments. In that *Memoir* the author endeavours to establish the fact, on what he deems good authority, that Dr. Williamson was the person, who obtained the letters in question, and communicated them to Dr. Franklin. The following is Dr. Hosack's statement.

"Dr. Williamson had now arrived in London. Feeling a lively interest in the momentous questions then agitated, and suspecting that a clandestine correspondence, hostile to the interest of the colonies, was carried on between Hutchinson and certain leading members of the British Cabinet, he determined to ascertain the truth by a bold experiment.

"He had learned, that Governor Hutchinson's letters were deposited in an office different from that in which they ought regularly to have been placed; and, having understood that there was little exactness in the transaction of the business of that office, (it is believed it was the office of a particular department of the Treasury,) he immediately repaired to it, and addressed himself to the chief clerk, not finding the principal within. Assuming the demeanor of official importance, he peremptorily stated, that he had

come for the last letters that had been received from Governor Hutchinson and Mr. Oliver, noticing the office in which they ought regularly to have been placed. Without any question being asked, the letters were delivered. The clerk doubtless supposed him to be an authorized person from some other public office. Dr. Williamson immediately carried them to Dr. Franklin, and the next day left London for Holland.

"I received this important fact from a gentleman of high respectability now living; with whom, as the companion and friend of his early days, Dr. Williamson had intrusted the secret."

Dr. Hosack inserts a letter from this gentleman, dated October 26th, 1819, containing the facts here related, in which the writer says he received them from Dr. Williamson himself, "some time after his return from Europe." But there are circumstances which would seem to prove, that this gentleman either misunderstood Dr. Williamson, or that in the lapse of thirty or forty years his memory had confounded this subject with some other of a different kind. Such an inference is necessarily made from a comparison of dates.

The letter written by Dr. Franklin to Thomas Cushing, Speaker of the House of Representatives in Massachusetts, enclosing Hutchinson's letters, was dated December 2d, 1772. Six months afterwards, that is, in June, 1773, they were publicly acted upon by the legislature of Massachusetts, and on the 15th of that month the resolves occasioned by them were adopted. Now it appears in the Memoir of Dr. Williamson's life, that he went to the West Indies in the year 1772, and did not return till the autumn of 1773, when he was appointed, as an associate with Dr. Ewing, to go to Great Britain for the purpose of soliciting benefactions for an academy at Newark in Delaware. He repaired to Boston in order to take passage from that port, and was present at and saw the destruction of the tea, which occurred on the 16th of December, 1773. He sailed a week afterwards, and arrived in England near the end of January; that is, fourteen months after Dr. Franklin had sent Hutchinson's letters from London.

These facts afford conclusive evidence, that Dr. Williamson could not have had any agency in procuring the letters. That a result apparently so obvious should escape Dr. Hosack, is the less remarkable, perhaps, as he placed entire confidence in the respectable authority from which he derived his intelligence; and the mistake, as mentioned above, can be explained only by supposing a misapprehension or defect of memory on the part of the gentleman,

by whom it was communicated. It is proper to add, however, that Mr. John Williamson, brother to Dr. Williamson, had received the same impression from the latter, as he declared to Dr. Hosack in conversation.

There is a mode of reconciling these discrepances, which at least has probability on its side. One of the conditions enjoined by Dr. Franklin, in sending these letters, was, that they should be returned to London. At the time Dr. Williamson sailed from Boston, the letters had been copied and printed, and there was no longer any motive for retaining the originals. These may have been intrusted to Dr. Williamson, with the request, that, on his arrival in London, he would put them into the hands of Dr. Franklin. His relation of this circumstance might easily lead to the error of connecting him with the previous transactions.

Mr. John Adams, after reading the first edition of Dr. Hosack's Memoir, wrote a letter to him, dated January 28th, 1820, which contains some interesting facts touching this subject.

"I was one of the first persons," says Mr. Adams, "to whom Mr. Cushing communicated the great bundle of letters of Hutchinson and Oliver, which had been transmitted to him, as Speaker of the House of Representatives, by Dr. Franklin, their agent in London. I was permitted to carry them with me upon a circuit of our Judicial Court, and to communicate them to the chosen few. They excited no surprise, excepting at the miracle of their acquisition. How that could have been performed nobody could conjecture; none doubted their authenticity, for the handwriting was full proof; and, besides, all the leading men in opposition to the ministry had long been fully convinced, that the writers were guilty of such malignant representations, and that those representations had suggested to the ministry their nefarious projects. I doubt not the veracity of Dr. Williamson's account of the agency in procuring those letters, but I believe he has omitted one circumstance, to wit, that he was employed upon that occasion by Mr. Temple, afterwards Sir John Temple, who told me, in Holland, that he had communicated those letters to Dr. Franklin. 'Though I swear to you,' said he, 'that I did not procure them in the manner represented.' This I believe, and I believe further, that he did not deliver them with his own hand into Dr. Franklin's, but employed a member of Parliament, very possibly Mr. Hartley, for that purpose; for Dr. Franklin declared publicly, that he received them from a member of Parliament."

In his narrative Dr. Franklin says, that three persons in England

besides himself saw the letters, and were acquainted with the circumstances under which they were procured and sent. Mr. Temple was doubtless one of the three; but the part he acted, and who were the other two, can only be conjectured.

Governor Hutchinson, in the third volume of his *History of Massachusetts*, which remained many years in manuscript, and was first published in 1828, gives a long account of the proceedings of the Massachusetts legislature in regard to these letters. "The manner in which they were obtained," he says (p. 418), "was never fully discovered. Dr. Franklin asserts, that they were not in Mr. Whately's possession at the time of his death. Mr. Whately's character will not admit of a supposition, that he suffered to be put into the possession of another person, letters written in confidence of not being communicated. They were, therefore, unfairly obtained from Mr. Whately in his lifetime, and unjustly withheld from his executor after his death. The removal of Dr. Franklin from office seems to have been occasioned by his public acknowledgment, that he laid hands on them, and sent them to his constituents; and that of Mr. Temple, by information given to the ministry, by a person intrusted with the secret, that he was privy to the plan of procuring and sending them over. From some circumstances there were strong grounds to suppose, that they had been in the possession of another person, a member of Parliament, by whom they had been communicated to Dr. Franklin."

The suggestion in this extract, that the letters were unfairly obtained from Mr. Whately during his lifetime, is supported by an insufficient reason. They might naturally be loaned to a friend, who had not returned them at the time of his death; and this is the more probable, as they were evidently intended to be read by different persons, and to influence public measures, although their contents were of a nature to require secrecy. In his political sentiments, also, Mr. Whately was opposed to the existing ministry, and he might be willing the letters should be seen by others of his party, many of whom were friendly to the claims of America. In this way they may have fallen into the channel, by which they were conveyed to Dr. Franklin, without any unfairness to Mr. Whately before his death, whatever may be thought of the disposition that was made of them subsequently.

After the resolves of the Massachusetts legislature and their petition to the King arrived in England, the newspapers were filled with speculations concerning the mysterious manner in which the letters had found their way across the Atlantic; for as yet

nothing had come before the public, which implicated the name of any person in the transaction. Thomas Whately, to whom the letters had been written, died in June, 1772, and his papers passed into the hands of his brother, William Whately. It was reasonable to presume, that the original letters were among those papers, and could not have been withdrawn without his knowledge. Hence suspicions went abroad to his disadvantage. Mr. Temple was likewise involved in the affair at the same time. The grounds of the suspicions against him are explained in the following extract from a paper, published by Mr. William Whately, December 9th, 1773.

"Some time about the month of October, in the last year, Mr. Temple applied to me, and informed me, that he wanted particularly to see a paper relating to the colonies he had formerly transmitted to my brother, with a letter from himself accompanying it, and that he believed some of the letters of Governor Hutchinson, Mr. Oliver, and others of my brother's friends in America, might probably afford some light into the object of his inquiry. Unknown almost as Mr. Temple was personally to me, I deemed the friendship my brother had constantly shown him, entitled him to every assistance in my power for the purpose desired, and I therefore made no scruple to place that confidence in him, as to lay before him, and occasionally during his visit to leave with him, several parcels of letters from my late brother's correspondents in America, in the exact state in which they had come into my possession; some regularly sorted, and some promiscuously tied together; and some of them were from Mr. Temple himself, and his brother, and from Governor Hutchinson, Mr. Oliver, and others; and, during the intervals that I was in the room with Mr. Temple, we did together cast our eyes on one or two letters of Governor Hutchinson, and I believe one or two other correspondents of my late brother. In July last I received information from Mr. Oliver of Boston, that several letters to my late brother had been laid before the Assembly of the province; upon which I waited upon Mr. Temple, and told him I thought myself entitled to call upon him to join his name with mine in asserting the integrity and honor of both of us; that he, and he only, had ever had access to any of the letters of my brother's correspondents in America, and that I was called upon to account for the appearance of the letters in question. Mr. Temple assured me, in terms the most precise, that (except some letters from himself and his brother, which he had from me by my permission) he had not taken a single letter, or an extract from any, I had communicated to him. I saw him

twice afterwards on the same subject, and the same assurances were invariably repeated by him, and confirmed by him in the most solemn manner.

"The facts, as above stated, with respect to Mr. Temple's perusal of my brother's letters, I have related freely to whoever applied to me for information, and given everybody authority to quote me on the occasion; and I have as freely repeated the assertions and assurances Mr. Temple has constantly given me with respect to himself; and there the matter at present rests."

It hence appears, that Mr. Whately was suspected, because the letters were supposed to have been in his possession; and Mr. Temple, because, when he examined the papers as here described, he might have withdrawn them. Anonymous assertions were published injurious to Mr. Temple, the falsehood of which could only be known to Mr. Whately, and which Mr. Temple thought Mr. Whately was bound to contradict. This not being done, the parties grew warm, and a duel ensued, in which Mr. Whately was wounded. Dr. Franklin was severely censured for not interposing to prevent this duel, by making known the facts. The following statement, published soon afterwards in the *Public Advertiser*, will show the censure to have been unjust.

"On the 8th of December a letter, under the signature of *Antenor*, accused Mr. Temple of dishonorably taking the letters in question from Mr. Whately, whose name was vouched for the truth of the charge. The next day Mr. Temple's accuser appeared, declaring Mr. Whately's concurrence with him in denying the facts on which the charge was founded. So far was there from being, in this stage of the business, an appearance of any quarrel likely to happen between these two gentlemen, it seemed as if they were united in contradicting a malignant, anonymous accusation. But, on the 11th, Mr. Whately contradicted Mr. Temple, and at four o'clock that day the duel was fought. What time or opportunity was there here for the intervention of Dr. Franklin, especially as Mr. Temple's challenge was grounded on the other's flatly denying what he had given to the public under his hand? The original cause too of the dispute was, Mr. Whately's having given rise to and countenanced a most false, unjust, and cruel accusation against Mr. Temple."

Mr. Vaughan, who wrote in London five years after the event, says, that, when the duel occurred, "Dr. Franklin was not in town; it was after some interval that he received the intelligence. What had passed he could not foresee; he endeavoured to prevent

what still might follow." Finding that the quarrel continued, and that there was a prospect of another duel, when Mr. Whately should recover from his wound, Dr. Franklin published the paper, in which he declared the letters had never been in the possession of Mr. Whately, and that "he alone was the person, who obtained and transmitted them to Boston."

All the acrimony hitherto vented against Whately and Temple was now turned upon Dr. Franklin, increased by the most virulent abuse from the retainers of the ministry. A plan was immediately formed to overwhelm him with disgrace, and make him feel the full weight of ministerial indignation. The Massachusetts petition for the removal of the governor and lieutenant-governor was soon to be brought to a hearing before the Lords Committee of his Majesty's Privy Council. The scheme was, to make this an occasion for a personal attack on Dr. Franklin; and the talents and sarcastic powers of Wedderburn, the King's solicitor-general, (afterwards Lord Loughborough), were to be put in requisition for so worthy a task. To prepare the way, Mr. Israel Mauduit, the friend of Governor Hutchinson, petitioned, that he might be heard by counsel in behalf of the governor and lieutenant-governor, before their Lordships should make any report. The petition was granted, and Mr. Wedderburn was the counsel.

"Examination of Dr. Franklin at the Council-Chamber, January 11th, 1774. Present, Lord President, the Secretaries of State, and many other Lords.

"Dr. Franklin's Letter and the Address, Mr. Pownall's Letter, and Mr. Mauduit's Petition were read.

"*Mr. Wedderburn.* The Address mentions certain papers; I could wish to be informed what are those papers.

"*Dr. Franklin.* They are the letters of Mr. Hutchinson and Mr. Oliver.

"*Court.* Have you brought them?

"*Dr. Franklin.* No; but here are attested copies.

"*Court.* Do you mean to found a charge upon them? If you do, you must produce the letters.

"*Dr. Franklin.* These copies are attested by several gentlemen at Boston, and a notary public.

"*Mr. Wedderburn.* My Lords, we shall not take advantage of any imperfection in the proof. We admit that the letters are Mr. Hutchinson's and Mr. Oliver's handwriting; reserving to ourselves the right of inquiring how they were obtained.

"*Dr. Franklin.* I did not expect that counsel would have been employed on this occasion.

"*Court.* Had you not notice sent you of Mr. Mauduit's having petitioned to be heard by counsel, on behalf of the governor and lieutenant-governor?

"*Dr. Franklin.* I did receive such notice; but I thought this had been a matter of *politics*, not of law, and have not brought my counsel.

"*Court.* Where a charge is brought, the parties have a right to be heard by counsel or not, as they choose.

"*Mr. Mauduit.* My Lords, I am not a native of that country, as these gentlemen are. I know well Dr. Franklin's abilities, and wish to put the defence of my friends upon a parity with the attack; he will not therefore wonder that I choose to appear before your Lordships with the assistance of counsel. My friends, in their letters to me, have desired, (if any proceedings, as they say, should be had upon this Address) that they may have a hearing in their own justification, that their innocence may be fully cleared, and their honor vindicated; and have made provision accordingly. I do not think myself at liberty, therefore, to give up the assistance of my counsel, in defending them against this unjust accusation.

"*Court.* Dr. Franklin may have the assistance of counsel, or go on without it, as he shall choose.

"*Dr. Franklin.* I desire to have counsel.

"*Court.* What time do you want?

"*Dr. Franklin.* Three weeks.

"*Ordered*, that the further proceedings be on Saturday, 29th instant."

Accordingly the Privy Council met on the day appointed, Mr. Wedderburn having prepared himself for the part he was to act, and Mr. Dunning and Mr. John Lee (two eminent barristers) appearing as counsel for the Assembly of Massachusetts. Thirty-five Lords attended; a larger number, as Governor Hutchinson tells us, than had been known on any former occasion. They had been apprized of the course intended to be pursued by Mr. Wedderburn, and they expected both to be entertained by the orator, and gratified at the humiliation of the great champion of American liberty. The case was opened by Mr. Dunning and Mr. Lee, who substantiated the complaints of Massachusetts by producing the letters, and arguing from them, that the governor and lieutenant-governor were unworthy of the confidence of the government, as well as of the people of Massachusetts.

In his reply, Mr. Wedderburn said little on the merits of the case, but, after eulogizing the loyalty and services of his clients, and speaking in very opprobrious terms of the Assembly and inhabitants of the province, in which they had rendered themselves so unpopular, he poured out the torrent of his invective upon Dr. Franklin, descending to personalities and abuse as far beneath the character of a gentleman, as they were insulting to the dignity of the place in which he stood. Portions only of the speech were reported, and published by Mr. Mauduit. Other parts were too coarse even for the friends of Mr. Wedderburn to desire to see them in print. A specimen of the suppressed passages was obtained, however, and first appeared in Mr. Vaughan's edition of Franklin's writings. It is as follows.

"The letters could not have come to Dr. Franklin," said Mr. Wedderburn, "by fair means. The writers did not give them to him; nor yet did the deceased correspondent, who from our intimacy would otherwise have told me of it. Nothing, then, will acquit Dr. Franklin of the charge of obtaining them by fraudulent or corrupt means, for the most malignant of purposes; unless he stole them from the person who stole them. This argument is irrefragable.

"I hope, my Lords, you will mark and brand the man, for the honor of this country, of Europe, and of mankind. Private correspondence has hitherto been held sacred, in times of the greatest party rage, not only in politics but religion." "He has forfeited all the respect of societies and of men. Into what companies will he hereafter go with an unembarrassed face, or the honest intrepidity of virtue? Men will watch him with a jealous eye; they will hide their papers from him, and lock up their escrutoires. He will henceforth esteem it a libel to be called *a man of letters; homo* TRIUM* *literarum!*

"But he not only took away the letters from one brother; but kept himself concealed till he nearly occasioned the murder of the other. It is impossible to read his account, expressive of the coolest and most deliberate malice, without horror." [*Here he read the letter dated December 25th, 1773; Dr. Franklin being all the time present.*] "Amidst these tragical events, of one person nearly murdered, of another answerable for the issue, of a worthy governor hurt in his dearest interests, the fate of America in suspense; here is a man, who, with the utmost insensibility of

* That is, FUR, or *thief.*

remorse, stands up and avows himself the author of all. I can compare it only to Zanga, in Dr. Young's *Revenge.**

> 'Know then 't was — I;
> I forged the letter, I disposed the picture;
> I hated, I despised, and I destroy.'

I ask, my Lords, whether the revengeful temper attributed, by poetic fiction only, to the bloody African, is not surpassed by the coolness and apathy of the wily American?"

Mr. Vaughan adds; "Unfortunately for Mr. Wedderburn, the events of the war did not correspond with his systems. Unfortunately too for his 'irrefragable argument,' Dr. Franklin afterwards took an oath in chancery, that, at the time that he transmitted the letters, he was ignorant of the party to whom they had been addressed; having himself received them from a third person, and for the express purpose of their being conveyed to America. Unfortunately also for Mr. Wedderburn's 'worthy governor,' that governor himself, *before* the arrival of Dr. Franklin's packet in Boston, sent over one of Dr. Franklin's own 'private' letters to England; expressing some little coyness indeed upon the occasion, but desiring secrecy, lest he should be prevented from procuring *more* useful intelligence from the same source. Whether Mr. Wedderburn, in his speech, intended to draw a particular case and portraiture, for the purpose only of injuring Dr. Franklin, or meant that his language and epithets should apply generally to all, whether friends or foes, whose practice should be found similar to it, is a matter that must be left to be adjusted between Governor Hutchinson and Mr. Wedderburn.†

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* Act V.

† In a letter from Governor Hutchinson to Lord Dartmouth, dated Boston, October 19th, 1773, he wrote as follows; "After I had sealed my letters, which I intended by this ship, a gentleman furnished me with the copy of a letter to the Speaker of the House from their agent [Dr. Franklin] in England. It has been shown to several members of the House, and to other persons, and therefore is no secret. I felt some reluctance at communicating it in a private way; but, upon consideration, it appears to me of such importance that your Lordship should be acquainted with it, that I doubted whether I should be faithful to my trust, if I did not lay it before you. If it should be known to have come from me, or perhaps to have been sent from England, it may be the means of preventing any further useful intelligence, which I may otherwise obtain from the same person."

By this it seems, that Governor Hutchinson was doing the very act, for which at the same time he and his supporters were bestowing so

"It was not singular, perhaps, that, as a man of honor, Dr. Franklin should surrender his name to public scrutiny in order to prevent mischief to others, and yet not betray his coadjutor (even to the present moment) to relieve his own fame from the severest obloquy; but perhaps it belonged to few besides Dr. Franklin, to possess mildness and magnanimity enough, to refrain from intemperate expressions and measures against Mr. Wedderburn and his supporters, after all that had passed."

Dr. Priestley was present and heard Mr. Wedderburn's speech, of which he gave the following account in a communication to the editor of the *Monthly Magazine*, dated at Northumberland, November 10th, 1802.

"On the morning of the day on which the cause was to be heard, I met Mr. Burke in Parliament Street, accompanied by Dr. Douglas, afterwards Bishop of Carlisle; and after introducing us to each other, as men of letters, he asked me whither I was going; I said, I could tell him whither I *wished* to go. He then asked me where that was; I said, to the Privy Council, but that I was afraid I could not get admission. He then desired me to go along with him. Accordingly I did; but, when we got to the ante-room, we found it quite filled with persons as desirous of getting admission as ourselves. Seeing this, I said, we should never get through the crowd. He said, 'Give me your arm,' and, locking it fast in his, he soon made his way to the door of the Privy Council. I then said, 'Mr. Burke, you are an excellent leader;' he replied, 'I wish other persons thought so too.'

"After waiting a short time, the door of the Privy Council opened, and we entered the first; when Mr. Burke took his stand behind the first chair next to the President, and I behind that next to his. When the business was opened, it was sufficiently evident, from the speech of Mr. Wedderburn, who was counsel for the governor, that the real object of the court was to insult Dr. Franklin.

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much obloquy upon Dr. Franklin; and for the same reason, namely, its importance to the public interests. There was this difference, however, between the two cases. Governor Hutchinson requested that his name might not be used in connexion with the affair, whereas Franklin neither imposed nor suggested any such condition in regard to himself. It is not meant to be insinuated by these remarks, that Governor Hutchinson did wrong, for he says fidelity to his trust was his motive; but it shows, in a pointed manner, how unjust were the persecutions against Dr. Franklin for doing the same thing, under the same sense of duty. — Editor.

All this time, he stood in a corner of the room, not far from me, without the least apparent emotion.

"Mr. Dunning, who was the leading counsel on the part of the colony, was so hoarse that he could hardly make himself heard; and Mr. Lee, who was the second, spoke but feebly in reply; so that Mr. Wedderburn had a complete triumph. At the sallies of his sarcastic wit, all the members of the Council, the president himself (Lord Gower) not excepted, frequently laughed outright. No person belonging to the Council behaved with decent gravity, except Lord North, who, coming late, took his stand behind the chair opposite to me.*

"When the business was over, Dr. Franklin, in going out, took me by the hand in a manner that indicated some feeling. I soon followed him, and, going through the ante-room, saw Mr. Wedderburn there, surrounded by a circle of his friends and admirers. Being known to him, he stepped forward, as if to speak to me; but I turned aside, and made what haste I could out of the place.

"The next morning, I breakfasted with the Doctor, when he said, 'He had never before been so sensible of the power of a good conscience; for that, if he had not considered the thing for which he had been so much insulted, as one of the best actions of his life, and what he should certainly do again in the same circumstances, he could not have supported it.' He was accused of clandestinely procuring certain letters, containing complaints against the governor,† and sending them to America, with a view to excite their animosity against him, and thus to embroil the two countries; but he assured me, that he did not even know that such letters existed, until they were brought to him as agent for the colony, in order to be sent to his constituents; and the cover of the letters, on which the direction had been written, being lost, he only guessed at the person to whom they were addressed by the contents.

"That Dr. Franklin, notwithstanding he did not show it at the

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* Arthur Lee, who was in London at the time, says; "Wedderburn was eloquent and artful; insomuch that, notwithstanding the great decency and decorum that distinguish their Lordships, he made them so far forget themselves and the character in which they officiated, as to cry out, 'Hear him, hear him.'" "Dr. Franklin bore it all with a firmness and equanimity, which conscious integrity can inspire. The insult was offered to the people through their agent."—*Life of Arthur Lee*, Vol. I. pp. 240, 273. — Editor.

† An error of memory as to the *contents* of the letters. — Editor.

time, was much impressed by the business of the Privy Council, appeared from this circumstance. When he attended there, he was dressed in a suit of Manchester velvet; and Silas Deane told me, that, when they met at Paris to sign the treaty between France and America, he purposely put on that suit."

In reference to this account, after it appeared in print, the following particulars were communicated to William Temple Franklin by Dr. Bancroft, who was for many years one of Dr. Franklin's intimate friends, and was present during the whole transaction before the Privy Council.

"Dr. Franklin did not 'stand in a corner of the room,'" says Dr. Bancroft; "he stood close to the fireplace, on that side which was at the right hand of those, who were looking toward the fire; in the front of which, though at some distance, the members of the Privy Council were seated at a table. I obtained a place on the opposite side of the fireplace, a little further from the fire; but Dr. Franklin's face was directed towards me, and I had a full, uninterrupted view of it, and his person, during the whole time in which Mr. Wedderburn spoke. The Doctor was dressed in a full dress suit of spotted Manchester velvet, and stood *conspicuously erect*, without the smallest movement of any part of his body. The muscles of his face had been previously composed, so as to afford a placed, tranquil expression of countenance, and he did not suffer the slightest alteration of it to appear during the continuance of the speech, in which he was so harshly and improperly treated. In short, to quote the words which he employed concerning himself on another occasion, he kept his 'countenance as immovable as if his features had been made of *wood*.' This was late on Saturday afternoon. I called on him in Craven Street, at an early hour on Monday morning, and, immediately after the usual salutation, he put into my hands a letter, which had just been delivered to him. It was from the postmaster-general, and informed him, that the King had no further occasion for his (Dr. Franklin's) services, as deputy postmaster-general in America.

"It is a fact, that he, as Dr. Priestley mentions, signed the treaties of commerce and eventual alliance with France, in the clothes which he had worn at the Cockpit, when the preceding transaction occurred. It had been intended, as you may recollect, that these treaties should be signed on the evening of Thursday, the 5th of February; and when Dr. Franklin had dressed himself for the day, I observed that he wore the suit in question; which I thought the more extraordinary, as it had been laid aside for

many months. This I noticed to Mr. Deane; and soon after, when a messenger came from Versailles, with a letter from Mr. Gerard the French plenipotentiary, stating that he was so unwell, from a cold, that he wished to defer coming to Paris to sign the treaties, until the next evening, I said to Mr. Deane, 'Let us see whether the Doctor will wear the same suit of clothes to-morrow; if he does, I shall suspect that he is influenced by a recollection of the treatment which he received at the Cockpit.' The morrow came, and the same clothes were again worn, and the treaties signed. After which, these clothes were laid aside, and, so far as my knowledge extends, never worn afterwards. I once intimated to Dr. Franklin the suspicion, which his wearing these clothes on that occasion had excited in my mind, when he smiled, without telling me whether it was well or ill founded. I have heard him sometimes say, that he was not insensible to injuries, but that he never put himself to any trouble or inconvenience to retaliate."

The affair having been gone through with by the Privy Council, in the manner above stated, it is easy to imagine what was the fate of the Assembly's petition. In their report, after the usual matters of form, and an enumeration of the several charges, the Committee proceed as follows.

"The Lords of the Committee cannot but express their astonishment, that a charge of so serious and extensive a nature against the persons, whom the said House of Representatives acknowledge by their said petition to have heretofore had the confidence and esteem of the people, and to have been advanced by your Majesty, from the purest motives of rendering your subjects happy, to the highest places of trust and authority in that province, should have no other evidence to support it but inflammatory and precipitate resolutions, founded only on certain letters, written respectively by them (and all but one before they were appointed to the posts they now hold) in the years 1767, 1768, and 1769, to a gentleman then in no office under the government, in the course of familiar correspondence, and in the confidence of private friendship, and which it was said (and it was not denied by Mr. Franklin) were surreptitiously obtained after his death, and sent over to America, and laid before the Assembly of the Massachusetts Bay; and which letters appear to us to contain nothing reprehensible or unworthy of the situation they were in; and we presume, that it was from this impropriety, that the Council did disclaim on behalf of the Assembly any intention of bringing a criminal charge against the governor and lieutenant-governor; but said, that the petition was

founded solely on the ground of the governor and lieutenant-governor being, as they alleged, now become obnoxious to the people of the province; and that it was in this light only that the said petition was presented to your Majesty. And there being no other evidence now produced, than the said resolutions and letters, together with resolutions of a similar import by the Council of the said province, founded, as it was said, on the same letters;

"The Lords of the Committee do agree humbly to report, as their opinion, to your Majesty, that the said petition is founded upon resolutions formed upon false and erroneous allegations; and that the same is groundless, vexatious, and scandalous; and calculated only for the seditious purposes of keeping up a spirit of clamor and discontent in the said province. And the Lords of the Committee do further humbly report to your Majesty, that nothing has been laid before them which does or can, in their opinion, in any manner, or in any degree, impeach the honor, integrity, or conduct of the said governor or lieutenant-governor; and their Lordships are humbly of opinion, that the said petition ought to be dismissed."

"*February 7th.* His Majesty, taking the said report into consideration, was pleased, with the advice of his Privy Council, to approve thereof; and to order, that the said petition of the House of Representatives of the Province of Massachusetts Bay be dismissed the Board, 'as groundless, vexatious, and scandalous; and calculated only for the seditious purpose of keeping up a spirit of clamor and discontent in the said province.'"

Such was the language in which the King and his counsellors thought proper to reply to the respectful petition of the Representatives of a whole province. Who can wonder at the indignation of the people, or that the battle of Bunker's Hill was fought in less than eighteen months afterwards? Dr. Franklin was immediately dismissed from his office of deputy postmaster-general for the colonies. The whole proceeding was not more insulting and oppressive, than it was impolitic.

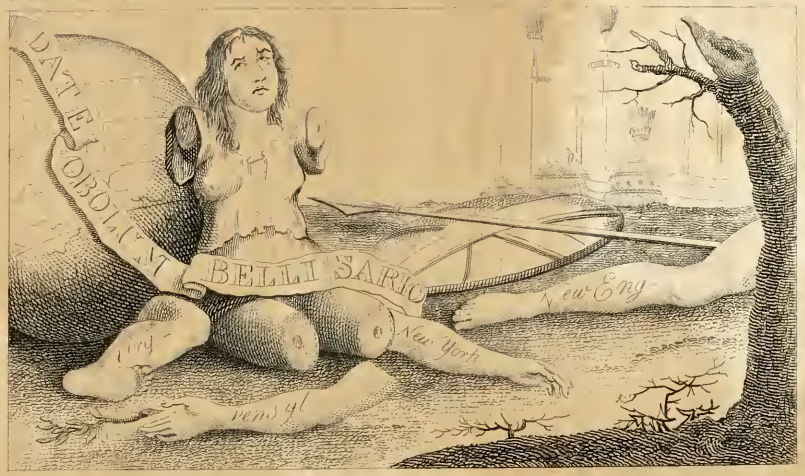
EMBLEMATICAL REPRESENTATION.

W. T. Franklin gives the following account of this device, and the use made of it by its author. "During the disputes between the two countries, Dr. Franklin invented a little *emblematical design*, intended to represent the supposed state of Great Britain and her colonies, should the former persist in her oppressive measures, restraining the latter's trade, and taxing their people by laws made by a legislature in which they were not represented. It was engraved on a copper plate. Dr. Franklin had many of them struck off on cards, on the back of which he occasionally wrote his notes. It was also printed on a half-sheet of paper, with the *explanation* and *moral*." — EDITOR.

EXPLANATION.

GREAT BRITAIN is supposed to have been placed upon the globe; but the *colonies*, (that is, her limbs,) being severed from her, she is seen lifting her eyes and mangled stumps to Heaven; her shield, which she is unable to wield, lies useless by her side; her lance has pierced New England; the laurel branch has fallen from the hand of Pennsylvania; the English oak has lost its head, and stands a bare trunk, with a few withered branches; briers and thorns are on the ground beneath it; the British ships have brooms at their topmast heads, denoting their being on sale; and BRITANNIA herself is seen sliding off the world (no longer able to hold its balance), her fragments overspread with the label, DATE OBOLUM BELISARIO.

MAGNA *Britannia: her Colonies* REDUCED



THE MORAL.

History affords us many instances of the ruin of states, by the prosecution of measures ill suited to the temper and genius of their people. The ordaining of laws in favor of *one* part of the nation, to the prejudice and oppression of *another*, is certainly the most erroneous and mistaken policy. An *equal* dispensation of protection, rights, privileges, and advantages, is what every part is entitled to, and ought to enjoy; it being a matter of no moment to the state, whether a subject grows rich and flourishing on the Thames or the Ohio, in Edinburgh or Dublin. These measures never fail to create great and violent jealousies and animosities between the people favored and the people oppressed; whence a total separation of affections, interests, political obligations, and all manner of connexions, necessarily ensue, by which the whole state is weakened, and perhaps ruined for ever! *

* This mode of producing a strong impression, by emblematical devices and drawings, was a favorite one with Dr. Franklin, and he practised it on several occasions. Two other instances have already been mentioned in this work. See Vol. III. pp. 3, 25. — Editor.

ON

A PROPOSED ACT OF PARLIAMENT FOR PREVENTING EMIGRATION.

Written and first published in England. The date is uncertain. — Editor.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

Sir,

You give us in your paper of Tuesday, the 16th of November, what is called "The Plan of an Act to be proposed at the next Meeting of Parliament to prevent the Emigration of our People." I know not from what authority it comes; but, as it is very circumstantial, I suppose some such plan may be really under consideration, and that this is thrown out to feel the pulse of the public. I shall therefore, with your leave, give my sentiments of it in your paper.

During a century and a half that Englishmen have been at liberty to remove if they pleased to America, we have heard of no law to restrain that liberty, and confine them as prisoners in this Island. Nor do we perceive any ill effects produced by their emigration. Our estates, far from diminishing in value through a want of tenants, have been in that period more than doubled; the lands in general are better cultivated; their increased produce finds a ready sale at an advanced price, and the complaint has for some time been, not that we want mouths to consume our meat, but that we want meat for our number of mouths.

Why then is such a restraining law *now* thought necessary? A paragraph in the same paper from the *Edinburgh Courant*, may perhaps throw some light upon this question. We are there told, "that one thousand five hundred people have emigrated to America from the shire of Sutherland within these two years, and carried with them seven thousand five hundred pounds sterling, which exceeds a year's rent of the whole county; that the single consideration of the *misery* which most of these people *must suffer* in America, independent of the loss of men and money to the mother country, should engage the attention, not only of the *landed interest, but of administration.*" The humane writer of this paragraph may, I fancy, console himself with the reflection, that perhaps the apprehended future sufferings of those emigrants will never exist; for that it was probably the authentic accounts they had received from friends already settled there, of the felicity to be enjoyed in that country, with a thorough knowledge of their own misery at home, which induced their removal. And, as a politician, he may be comforted by assuring himself, that, if they really meet with greater misery in America, their future letters lamenting it, will be more credited than the *Edinburgh Courant*, and effectually, without a law, put a stop to the emigration. It seems some of the Scottish chiefs, who delight no longer to live upon their estates in the honorable independence they were born to, among their respecting tenants, but choose rather a life of luxury, though among the dependents of a court, have lately raised their rents most grievously, to support the expense. The consuming of those rents in London, though equally prejudicial to the poor county of Sutherland, no Edinburgh newspaper complains of; but now, that the oppressed ten-

ants take flight, and carry with them what might have supported the landlord's London magnificence, he begins to *feel* for the MOTHER COUNTRY, and its enormous *loss* of seven thousand five hundred pounds carried to her colonies! Administration is called upon to remedy the evil, by another abridgment of ENGLISH LIBERTY. And surely administration should do something for these gentry, as they do any thing for administration.

But is there not an easier remedy? Let them return to their family seats, live among their people, and, instead of fleecing and skinning, patronize and cherish them; promote their interest, encourage their industry, and make their situation comfortable. If the poor folks are happier at home than they can be abroad, they will not lightly be prevailed with to cross the ocean. But can their lord blame them for leaving home in search of better living, when he first set them the example?

I would consider the proposed law,

1st. As to the NECESSITY of it.

2dly. The PRACTICABILITY.

3dly. The POLICY, if practicable.

And, 4thly. The JUSTICE of it.

Pray spare me room for a few words on each of these heads.

1st. As to the NECESSITY of it.

If any country has more people than can be comfortably subsisted in it, some of those who are incommoded may be induced to emigrate. As long as the new situation shall be *far* preferable to the old, the emigration may possibly continue. But when many of those, who at home interfered with others of the same rank (in the competition for farms, shops, business, offices, and other means of subsistence), are gradually withdrawn, the inconvenience of that competition

ceases; the number remaining no longer half starve each other; they find they can now subsist comfortably, and though perhaps not quite so well as those who have left them, yet, the inbred attachment to a native country is sufficient to overbalance a moderate difference; and thus the emigration ceases naturally. The waters of the ocean may move in currents from one quarter of the globe to another, as they happen in some places to be accumulated, and in others diminished; but no law, beyond the law of gravity, is necessary to prevent their abandoning any coast entirely. Thus the different degrees of happiness of different countries and situations find, or rather make, their level by the flowing of people from one to another; and where that level is once found, the removals cease. Add to this, that even a real deficiency of people in any country, occasioned by a wasting war or pestilence, is speedily supplied by earlier and more prolific marriages, encouraged by the greater facility of obtaining the means of subsistence. So that a country half depopulated would soon be repeopled, till the means of subsistence were equalled by the population. All increase beyond that point must perish, or flow off into more favorable situations. Such overflowings there have been of mankind in all ages, or we should not now have had so many nations. But to apprehend absolute depopulation from that cause, and call for a law to prevent it, is calling for a law to stop the Thames, lest its waters, by what leave it daily at Gravesend, should be quite exhausted. Such a law, therefore, I do not conceive to be NECESSARY.

2dly. As to the PRACTICABILITY.

When I consider the attempts of this kind that have been made, first in the time of Archbishop Laud, by

orders of Council, to stop the Puritans, who were flying from his persecutions into New England, and next by Louis the Fourteenth, to retain in his kingdom the persecuted Huguenots; and how ineffectual all the power of our crown, with which the Archbishop armed himself, and all the more absolute power of that great French monarch, were, to obtain the end for which they were exerted; and when I consider, too, the extent of coast to be guarded, and the multitude of cruisers necessary effectually to make a prison of the Island for this confinement of free Englishmen, who naturally love liberty, and would probably by the very restraint be more stimulated to break through it; I cannot but think such a law IMPRACTICABLE. The offices would not be applied to for licenses, the ports would not be used for embarkation. And yet the people disposed to leave us would, as the Puritans did, get away by shipfuls.

3dly. As to the POLICY of the Law.

Since I have shown there is no danger of depopulating Britain, but that the place of those that depart will soon be filled up equal to the means of obtaining a livelihood, let us see whether there are not some general *advantages* to be expected from the present emigration. The new settlers in America, finding plenty of subsistence, and land easily acquired whereon to seat their children, seldom postpone marriage through fear of poverty. Their natural increase is therefore in proportion far beyond what it would have been, if they had remained here. New farms are daily everywhere forming in those immense forests; new towns and villages rising; hence a growing demand for our merchandise, to the greater employment of our manufacturers, and the enriching of our merchants. By this

natural increase of people, the strength of the empire is increased; men are multiplied, out of whom new armies may be formed on occasion, or the old recruited. The long-extended seacoast, too, of that vast country, the great maritime commerce of its ports with each other, its many navigable rivers and lakes, and its plentiful fisheries, breed multitudes of seamen, besides those created and supported by its voyages to Europe; a thriving nursery this, for the manning of our fleets in time of war, and maintaining our importance among foreign nations by that navy, which is also our best security against invasions from our enemies. An extension of empire by conquest of inhabited countries is not so easily obtained, it is not so easily secured; it alarms more the neighbouring states; it is more subject to revolts, and more apt to occasion new wars.

The increase of dominion by colonies proceeding from yourselves, and by the natural growth of your own people, cannot be complained of by your neighbours as an injury; none have a right to be offended with it. Your new possessions are therefore more secure, they are more cheaply gained, they are attached to your nation by natural alliance and affection; and thus they afford an additional strength more certainly to be depended on, than any that can be acquired by a conquering power, though at an immense expense of blood and treasure. These, methinks, are national advantages, that more than equiponderate with the inconveniences suffered by a few Scotch or Irish landlords, who perhaps may find it necessary to abate a little of their present luxury, or of those advanced rents they now so unfeelingly demand. From these considerations, I think I may conclude, that the restraining law proposed would, if practicable, be IMPOLITIC.

4thly. As to the JUSTICE of it.

I apprehend that every Briton, who is made unhappy at home, has a right to remove from any part of his King's dominions into those of any other prince, where he can be happier. If this should be denied me, at least it will be allowed, that he has a right to remove into any other part of the same dominions. For by this right so many Scotchmen remove into England, easing their own country of its supernumeraries, and benefiting ours by their industry. And this is the case with those who go to America. Will not these Scottish lairds be satisfied unless a law passes to pin down all tenants to the estate they are born on, *(adscripti glebæ,)* to be bought and sold with it? God has given to the beasts of the forest, and to the birds of the air, a right, when their subsistence fails in one country, to migrate to another, where they can get a more comfortable living; and shall man be denied a privilege enjoyed by brutes, merely to gratify a few avaricious landlords? Must misery be made *permanent*, and suffered by *many* for the emolument of *one;* while the increase of human beings is prevented, and thousands of their offspring stifled, as it were, in the birth, that this petty Pharaoh may enjoy an *excess* of opulence? God commands to increase and replenish the earth; the proposed law would forbid increasing, and confine Britons to their present number, keeping half that number too in wretchedness. The common people of Britain and of Ireland contributed by the taxes they paid, and by the blood they lost, to the success of that war, which brought into our hands the vast unpeopled territories of North America; a country favored by Heaven with all the advantages of climate and soil. Germans are now pouring into it, to take possession of it, and fill it with their posterity; and shall Britons and

Irelanders, who have a much better right to it, be forbidden a share of it, and, instead of enjoying there the plenty and happiness that might reward their industry, be compelled to remain here in poverty and misery? Considerations such as these persuade me, that the proposed law would be both UNJUST and INHUMAN.

If then it is *unnecessary*, *impracticable*, *impolitic*, and *unjust*, I hope our Parliament will never receive the bill, but leave landlords to their own remedy, an abatement of rents, and frugality of living; and leave the liberties of Britons and Irishmen at least as extensive as it found them. I am, Sir, yours, &c.

A FRIEND TO THE POOR.

A

TRUE STATE OF THE PROCEEDINGS

IN THE

PARLIAMENT OF GREAT BRITAIN,

AND IN THE

PROVINCE OF MASSACHUSETTS BAY,

RELATIVE TO THE GIVING AND GRANTING THE MONEY OF THE PEOPLE OF THAT PROVINCE, AND ALL AMERICA, IN THE HOUSE OF COMMONS, IN WHICH THEY ARE NOT REPRESENTED.

First published in London anonymously, in the year 1774. Reprinted with the author's name, in "A Collection of Interesting, Authentic Papers relative to the Dispute between Great Britain and America," otherwise called "*Prior Documents*," in the year 1777. — Editor.

On the 12th of November, 1761, Governor Bernard made the following speech to both Houses of Assembly, in the province of Massachusetts Bay.

"At the opening of this General Court, I had the pleasure to observe upon the happy and propitious circumstances, that had attended the commencement of the present reign, and particularly the extinction of parties, and the general coalition of all parties in support of his Majesty's government; and I could not but express my earnest desire, that the same patriotic spirit, which influenced Great Britain, might prevail

throughout his Majesty's American provinces, and especially in this most ancient and most loyal of them.

"I was well persuaded, that while I was speaking to you on this subject, your sentiments and mine were the same. I have been fully confirmed in this, as well by your own declarations, as by your conduct consequent thereto; and I have now all the assurance, that I shall be assisted and supported by you.

"FRA. BERNARD."

On the 24th of April, 1762, his Excellency made the following speech to the two Houses.

"The unanimity and despatch, with which you have complied with the requisitions of his Majesty, require my particular acknowledgment; and it gives me additional pleasure to observe, that you have therein acted under no other influence than a due sense of your duty, both as members of a general empire, and as the body of a particular province.

"It will always be my desire, that freedom and independence should prevail in your councils, and that the whole credit of your proceedings therein should be placed to your own account. It will be a sufficient honor for me to preside over a people whose motives to loyalty and public spirit arise from their own breasts.

"FRA. BERNARD."

His Excellency again spoke as follows to the two Houses of Assembly, on the 27th of May, 1762.

"Whatever shall be the event of the war, it must be no small satisfaction to us, that this province hath contributed its full share to the support of it. Every thing that has been required of it hath been most readily complied with; and the execution of the powers committed to me, for raising the provincial troops, hath been as full and complete as the grant of them was.

Never before were regiments so easily levied, so well composed, and so early in the field, as they have been this year; the common people seemed to be animated with the spirit of the General Court, and to vie with them in their readiness to serve the King.

"The ample provision, which has been already made, leaves me nothing to ask for the immediate service of the King.

"FRA. BERNARD."

The following is a true copy of the message, which his Majesty sent down to the House of Commons every year, from 1759, till the conclusion of the war.

"GEORGE REX.

"26° Die Aprilis, 1759°.

"His Majesty, being sensible of the zeal and vigor with which his faithful subjects in North America have exerted themselves in defence of his Majesty's just rights and possessions, recommends it to this House, to take the same into consideration, and to enable his Majesty to give them a proper compensation for the expenses incurred by the respective provinces, in the levying, clothing, and pay of the troops raised by the same, according as the active vigor and strenuous efforts of the respective provinces shall appear to merit.

"G. R."

Upon which the House resolved, April 30th, "That a sum not exceeding two hundred thousand pounds be granted to his Majesty upon account, to enable his Majesty to give a proper compensation to the respective provinces in North America, for the expenses incurred by them in the levying, clothing, and pay of the troops raised by the same, according as the active vigor and strenuous efforts of the respective provinces shall be thought by his Majesty to merit."

Similar resolutions followed yearly every message. And, though this compensation did not exceed one fourth part of what they expended, they were satisfied with these most honorable of all testimonies, that they had not been backward in contributing their share towards the general defence of the empire.

His Majesty's Surveyor-General of the Northern District in America transmitted to the Lords of the Treasury, in 1764, a charge of corruption in his office and collusion with smugglers, supported by the oaths of credible witnesses, against Governor Bernard; for which the Surveyor-General received the thanks of the Treasury Board, and Governor Bernard was suffered still to hold that office he had abused, and has been admitted as the principal accuser and witness against the people of the Massachusetts Bay.

On the 10th of March, 1764, the House of Commons resolved, "That it may be proper to charge certain stamp duties in the colonies and plantations"; but did not at that time form any bill for the purpose.

On the 5th of April, 1764, an act passed for imposing duties in America by the British Parliament, for the purpose of raising a revenue.

In consequence of these proceedings, the House of Representatives of the Massachusetts Bay came to resolutions, "That the sole right of giving and granting the money of the people of that province, was vested in them as their legal representatives; and that the imposition of duties and taxes, by the Parliament of Great Britain, upon a people who are not represented in the House of Commons, is absolutely irreconcilable with their rights. That no man can justly take the property of another without his consent; upon which original principle the right of representation in the same body which exercises the power of making laws for

levying taxes, one of the main pillars of the British Constitution, is evidently founded. That the extension of the powers of the Court of Admiralty within this province, is a most violent infraction of the right of trial by jury, a right which this House, upon the principles of their British ancestors, hold most dear and sacred, it being the only security of the lives, liberties, and property of his Majesty's subjects. That this House owe the strictest allegiance to his most sacred Majesty King George the Third, and that they have the greatest veneration for the Parliament."

In February, 1765, a bill for raising a revenue in America by duties on stamps, &c., received the royal assent. Petitions from the several Assemblies of America against the passing of this act were rejected by the Parliament, or not received, on the pretence of a rule, that petitions should not be received against a money bill, and this was a money bill.

Upon the arrival of this act in America, every Assembly on the continent came to resolutions against the right of imposing taxes upon them unrepresented and without their consent. The House of Representatives of the Massachusetts Bay, observing the little attention paid to separate petitions, resolved, "That it was highly expedient there should be a meeting, as soon as might be, of committees from the Houses of Representatives in the several colonies on the American continent, to consult on the present circumstances, and the difficulties to which they were reduced by the operation of the late acts of Parliament for levying duties on the colonies, and to consider of a general address to his Majesty and the Parliament, to implore relief." Letters were transmitted accordingly to the Speakers of the other Assemblies, and three persons elected to attend a Congress on the part of this province.

In the mean time some disturbances arose in the town of Boston. The representation of these disturbances was inflamed by the strongest coloring in various letters from Governor Bernard to the Lords of Trade, though he knew the inhabitants had publicly condemned these proceedings, as appears from the following vote of the town.

"At a legal Meeting of the Freeholders and other Inhabitants of the Town of Boston, at Fanueil Hall, August 27th, 1765.

"The town having an utter detestation of the extraordinary and violent proceedings of a number of persons unknown, against some of the inhabitants of the same, the last night, vote unanimously, that the selectmen and magistrates of the town be desired to use their utmost endeavours, agreeable to law, to suppress the like disorders for the future, and that the freeholders and other inhabitants will do every thing in their power to assist them therein.

"Voted, That the inhabitants of this town will be ready, on all occasions, to assist the selectmen and magistrates in the suppression of all disorders of a like nature that may happen, when called upon for that purpose.

"Attest, William Cooper, *Town Clerk*."

In truth, the whole proved to be nothing more than some injury offered to private property, for which the Assembly afterwards voted a compensation.

On the 25th of October, 1765, there being no stamp papers, the Council and House of Representatives, to avoid the mischievous consequences of a total stop to all public business, resolved, that it might be lawful to do business without stamps.

The Congress, consisting of a committee of repre-

sentatives from several provinces, met at New York the 1st of October, 1765. The motives and views with which the Congress was called, are thus stated by the House of Representatives of Massachusetts Bay; "Had the colonies been fully heard by the Parliament, it is possible their decisions, with respect to the late acts for levying duties and taxes on the colonies, might have been different. However, the House of Representatives think it their duty not to cease petitioning, and have accordingly, this present session, wrote to the Speakers of the several Houses of Representatives of the several colonies on the continent, proposing a meeting at New York, on the first Tuesday of October next, of committees of the Houses of Representatives of the several colonies, to consult together on their present circumstances, and the difficulties to which they are and must be reduced by the operation of the late acts of Parliament, and to prepare a united, dutiful, humble, and loyal representation of their condition to his Majesty and his Parliament, imploring relief. And it is humbly hoped, that decent and dutiful applications for the preventing or even altering such acts of Parliament, as they apprehend can be made to appear to be grievous, will not be thought sufficient grounds to charge us with the want of the most profound respect for that august body. In confidence of having free access to that fountain of national justice, the House rest assured, that all necessary relief will be afforded, and that the liberties and privileges their constituents at present enjoy, will remain secure.

"Signed, SAM. WHITE, *Speaker.*"

The Congress, summoned upon these principles, met and acted upon them. They resolved, "That the only representatives of the people of the colonies are persons chosen therein by themselves, and that no taxes

ever have been, or can be, constitutionally imposed upon them, but by their respective legislatures. That, all supplies to the crown being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution, for the people of Great Britain to grant to his Majesty the property of the colonists. That it is the indispensable duty of these colonies to the best of sovereigns, to the mother country, and themselves, to endeavour, by a loyal and dutiful address to his Majesty, and humble applications to both Houses of Parliament, to procure the repeal of the act for granting and applying certain stamp duties, of all clauses of any other act of Parliament whereby the jurisdiction of the Admiralty is extended, and of the other late acts for the restriction of American commerce."

They also drew up a petition to the King, in which they say, "Our subordinate legislatures are in effect rendered useless by the late acts of Parliament, imposing duties and taxes on these colonies, and extending the jurisdiction of the Courts of Admiralty beyond its ancient limits; statutes by which your Majesty's Commons in Great Britain undertake absolutely to dispose of the property of their fellow subjects in America, without their consent, and for the enforcing whereof they are subjected to the determination of a single judge, in a court unrestrained by the wise rules of the common law, the birthright of Englishmen, and the safeguard of their persons and properties.

"The invaluable rights of taxing ourselves, and trial by our peers, of which we implore your Majesty's protection, are not, we most humbly conceive, unconstitutional, but confirmed by the Great Charter of English liberty. On the first of these rights, the Honorable the House of Commons found their practice of originating

money bills; a right enjoyed by the kingdom of Ireland; by the clergy of England, till relinquished by themselves; a right, in fine, which all other your Majesty's English subjects, both within and without the realm, have hitherto enjoyed." So far were they from any thought or desire to draw into question, or to deny the sovereignty of his Majesty in his Parliament, or to arrogate to themselves the sole right of making laws, that, in their petition to the House of Commons, they declare the reverse in these words;

"We most sincerely recognise our allegiance to the crown, and acknowledge all due subordination to the Parliament of Great Britain, and shall always retain the most grateful sense of their assistance and protection. We esteem our dependence on, and connexion with Great Britain, as one of our greatest blessings, and apprehend the former will appear to be sufficiently secure, when it is considered, that the inhabitants in the colonies have the most unbounded affection for his Majesty's person, family, and government, as well as for the mother country, and that their subordination to the Parliament is universally acknowledged."

These petitions, however, were not received, on pretence of their being from a body not legally assembled, and unknown to the constitution.

In January, 1766, the House of Representatives were obliged to complain of Governor Bernard's having, together with his Council, assumed a legislative power, in ordering an act of Parliament, or, as he styles it, an ordinance, to be registered among the laws of the province; which was never done before, but by act of Assembly.* This just complaint against the usurpation

* But the most interesting objection, which is not avowed, and therefore cannot receive a formal answer, is, "that an American representation will take away all pretences for disputing the ordinances of Parliament." — *Governor Bernard's Letters*, 1764, p. 59; and again, pp. 72, 74.

of the Governor has been invidiously represented as an attack upon the authority of Parliament,* whereas in truth it had no relation to that authority.

In January, 1766, petitions were presented from the merchants of London, Bristol, and Glasgow, to both Houses of Parliament, representing the great injury that would accrue to their property, and to the commerce of this kingdom, from the operation of the Stamp Act, and praying for its repeal.

The repeal of it took place accordingly on the 19th of March following.

The Assembly of Massachusetts Bay, upon the repeal being known, formed and transmitted an humble address of thanks to his Majesty, and letters of the most grateful acknowledgment to their illustrious patrons and friends in either House of Parliament. Soon after this passed a bill for granting compensation to the sufferers during the disorders occasioned by the Stamp Act; agreeably to his Majesty's recommendation, in consequence of the address of both Houses of Parliament, his Majesty's pleasure being signified to them by Mr. Secretary Conway.

The Assembly also conformed themselves to the Mutiny Act, though it touched the privilege of granting freely their own money, for which they had so strenuously contended. But they complied, as well from an abhorrence of renewing the late dispute, which had given them so much pain, as from a confidence in his Majesty's then servants, whom they regarded as friendly to their liberties and rights.

Their satisfaction in, and gratitude for, the repeal of the Stamp Act, produced a conduct so studiously void of offence, that Governor Bernard could not avoid

* See extract of Governor Bernard's Letter, in the Lords' Report, p. 7.

giving his testimony of it, in his letters to the Earl of Shelburne, Secretary of State, as follows.

"The House, from the time of opening the session to this day, has shown a disposition to avoid all dispute with me; every thing having passed with as much good humor as I could desire, except only their continuing to act in addressing the King, remonstrating to the Secretary of State, and employing a separate agent. It is the importance of this innovation, without any wilfulness of my own, which induces me to make this remonstrance, at a time when I have a fair prospect of having, in all other business, nothing but good to say of the proceedings of this House.

"They have acted in all things, even in their remonstrance, with temper and moderation; they have avoided some subjects of dispute, and have laid a foundation for removing some causes of former altercation.

"I shall make such a prudent and proper use of this letter, as I hope will perfectly restore the peace and tranquillity of this province, for which purpose considerable steps have already been made by the House of Representatives."

Such was the temper and moderation with which the people were disposed to seek relief from the grievances they felt. We shall presently see what steps were artfully taken to move them from that moderation, and compel the mob into riots and tumults, which were to be visited upon the town, and made the pretext for introducing a military force.

The new revenue act passed on the 29th of June, 1767; a little more than a year after the repeal of the Stamp Act.

The House of Representatives, in their petition to the King touching this act, expressly acknowledge the supreme power of Parliament. "With great sincerity,

permit us," say they, "to assure your Majesty, that your subjects of this province ever have, and still continue to acknowledge your Majesty's High Court of Parliament the supreme legislative power of the whole empire."

In their letters to the ministry, they say; "The subjects in this province, and undoubtedly in all the colonies, however they may have been otherwise represented to his Majesty's ministers, are loyal; they are firmly attached to the mother state; they always consider her interest and their own as inseparably interwoven, and it is their fervent wish, that it may ever so remain. All they desire is, to be restored to the standing upon which they were originally put, to have the honor and privilege of voluntarily contributing to the aid of their sovereign when required. They are free subjects; and it is hoped the nation will never consider them as in a tributary state." And again; "All they desire is to be placed on their original standing, that they may still be happy in the enjoyment of their invaluable privileges, and the nation may still reap the advantage of their growth and prosperity."

That their prayers might be more likely to obtain success from being united with the supplications of all the colonies, they transmitted a circular letter to the other Assemblies, informing them, "That the House had humbly represented to the ministry their own sentiments; that his Majesty's High Court of Parliament is the supreme legislative power over the whole empire; that in all free states the constitution is fixed; and, as the supreme legislative derives its power and authority from the constitution, it cannot overleap the bounds of it, without destroying its own foundation. That the constitution ascertains and limits both sovereignty and allegiance; and, therefore, his Majesty's American sub-

jects, who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the English constitution. That it is an essential unalterable right in nature, ingrafted into the British constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within the realm, that what a man has honestly acquired is absolutely his own, which he may freely give, but which cannot be taken from him without his consent. That the American subjects may, therefore, exclusive of any consideration of charter rights, with a decent firmness adapted to the character of freemen and subjects, assert this natural, constitutional right." They add; "That, as they have too much reason to believe, that the enemies of the colonies have represented them to his Majesty's ministers and the Parliament, as factious, disloyal, and showing a disposition to make themselves independent of the mother country, they have taken occasion, in the most humble terms, to assure his Majesty and his ministers, that, with regard to the people of this province, and, as they doubt not, of all the colonies, that charge is unjust."

In consequence of this, Governor Bernard laid before the House, on the 21st of June, 1768, the following requisition.

"It gives great concern to his Majesty to find, that the same moderation which appeared by your letter to have been adopted at the beginning of the session, in a full Assembly, had not continued; and that, instead of that spirit of prudence and respect to the constitution, which seemed at that time to influence the conduct of a large majority of the members, a thin House at the end of the session should have presumed to revert to, and resolve upon, a measure of so inflammatory a nature, as that of writing to the other colonies on the

subject of their intended representation against some late acts of Parliament. His Majesty considers this step as evidently tending to create unwarrantable combinations, to excite an unjustifiable opposition to the constitutional authority of Parliament, and to revive those unhappy divisions and distractions, which have operated so prejudicially to the true interests of Great Britain and the colonies. It is the King's pleasure, that, so soon as the General Court is again assembled, at the time prescribed by the charter, you should require of the House of Representatives, in his Majesty's name, to rescind the resolution which gave birth to the circular letter from the Speaker, and to declare their disapprobation of, and dissent to, that rash and hasty proceeding. His Majesty has the fullest reliance upon the affection of his good subjects in the Massachusetts Bay, and has observed with satisfaction that spirit of decency, and love of order, which has discovered itself in the conduct of the most considerable of its inhabitants. If the new Assembly should refuse to comply with his Majesty's reasonable expectation, it is the King's pleasure, that you should immediately dissolve them.

"HILLSBOROUGH.

"Whitehall, April 22d, 1768."

This letter produced universal apprehension and discontent, not only in the Massachusetts Bay, but in all America. A demand, attended with a penalty of dissolution, seemed a command, not a requisition, leaving no deliberative or discretionary power in the Assembly; and, the ground of it being a petition to the King, guarded by a most explicit declaration of the supreme legislative power of Parliament, it wore the severe and dreadful appearance of a penal prohibition against petitioning. It was in effect saying, you shall not even

presume to complain; and reducing them below the common state of slavery, in which, if men complain with decency, they are heard, unless their masters happen to be monsters. It warmed moderation into zeal, and inflamed zeal into rage. Yet still there appeared a disposition to express their grievances in humble petitions. All the Assemblies on the continent, in answer to a requisition of similar import to that already mentioned, asserted the right of the subject to petition for redress of grievances. They joined in petitions, stating the imposition of taxes upon them without their consent, and the abolition of juries in revenue causes, as intolerable grievances, from which they prayed relief.

The House of Representatives of Massachusetts Bay drew up a letter to the Earl of Hillsborough, Secretary of State, in which they vindicate their conduct from the aspersions thrown upon it in the governor's letters; and add, "It is an inexpressible grief to the people of this province, to find repeated censures falling upon them, not from ministers of state alone, but from Majesty itself, grounded on letters and accusations from the governor, a sight of which, though repeatedly requested of his Excellency, is refused. There is no evil of this life, which they so sensibly feel, as the displeasure of their sovereign. It is a punishment which they are sure his Majesty will never inflict, but upon a representation of the justice of it, from his servants in whom he confides. Your Lordship will allow the House to appeal to your own candor, upon the hardship of their being made to suffer so severe a misfortune, without their ever being called upon to answer for themselves, or even made acquainted with the matters of charge alleged against them; a right to which, by the common rules of society, founded in the eternal laws of reason and equity, they are justly entitled. The House of

Representatives of this province have more than once, during the administration of Governor Bernard, been under the necessity of entreating his Majesty's ministers to suspend their further judgment upon such representations of the temper of the people, and the conduct of the Assembly, as they were able to make appear to be injurious. The same indulgence this House now beg of your Lordship; and beseech your Lordship to patronize them so far as to make a favorable representation of their conduct to the King, our sovereign; it being the highest ambition of this House, and of the people whom they represent, to stand before his Majesty in their just character, of affectionate and loyal subjects."

On the 10th of June a seizure was made of a sloop fastened to the wharf, with an armed force, and the seizure carried by violence to the man-of-war. That this seizure was made with every circumstance of violence and insult which could irritate a mob, is proved by the oaths of thirteen eyewitnesses, whose credibility has never been impeached. Unhappily the irritation succeeded but too well. The collector and controller, who made the seizure in that manner, were treated with great indignity and personal injury by the mob.*

About the same time, the captain of the man-of-war, lying in the harbour at Boston, pressed some seamen belonging to the town, in violation of an act of Parliament for the encouragement of trade to America, which

* That the seizure was unjust is plain from this, that they were obliged to restore the vessel, after detaining her a long time, not being able to find any evidence to support a prosecution. The suits, too, for enormous sums against a number of persons, brought in the Court of Admiralty, being found insupportable, were, after long continuance, to the great expense and trouble of their persons, dropped, by a declaration of the King's advocate, that his Majesty would prosecute no farther; but the prosecuted could obtain no costs or damages, for so is the law.

says, 6 Anne, ch. 27, § 9; "No mariner, or other person, who shall serve on board, or be retained to serve on board, any privateer, or trading ship or vessel, that shall be employed in any part of America, nor any mariner, or person, being on shore in any part thereof, shall be liable to be impressed or taken away, by any officer or officers of, or belonging to, her Majesty's ships of war."

The inhabitants of Boston, to prevent the tumults which might be apprehended from so dangerous an infraction of law, were assembled, and drew up a petition to the governor praying his interposition to prevent such alarming outrages. The governor, however, refused, upon various pretexts, to interfere.

The following words of their petition will show to what state of alarm, anxiety, and despair, these proceedings had reduced them. "Dutiful petitions," say they, "have been preferred to our most gracious sovereign, to which (though to the great consternation of the people, we now learn they have been cruelly and insidiously prevented from reaching the royal presence,) we have waited to receive a gracious answer, with the greatest attention to the public peace, until we find ourselves invaded with an armed force, seizing, impressing, and imprisoning the persons of our fellow subjects, contrary to express acts of Parliament. Menaces have been thrown out fit only for barbarians, which already affect us in the most sensible manner, and threaten us with famine and desolation, as all navigation is obstructed, upon which alone our whole support depends, and the town is at this crisis in a situation nearly such as if war were formally declared against it.

"To contend against our parent state is, in our idea, the most shocking and dreadful extremity; but tamely to relinquish the only security we and our posterity

retain of the enjoyment of our lives and properties, without one struggle, is so humiliating and base, that we cannot support the reflection. We apprehend, Sir, that it is in your option, in your power, and we would hope in your inclination, to prevent this distressed and justly incensed people from effecting too much, or from the shame and reproach of attempting too little."

The riot upon the seizure of the sloop was exaggerated into treason and rebellion. The commissioners fled from the town in pretended fear of their lives; affidavits were taken in secret and *ex parte*, and the controller, Mr. Hallowell, was despatched home, to give administration the most horrible idea of the people. Governor Bernard's letters to the Secretary of State contained a direct charge of treason against forty persons, not one of whom was prosecuted, because the whole was a forgery, calculated to meet the change of system, which Governor Bernard has since informed us they then knew had taken place at London, and encourage the rigorous measures which the new system was to pursue.

Unhappily it succeeded too well. Troops were sent to Boston, where they landed the 1st of October, 1768. But a difficulty now arose, about quartering the troops in the town, contrary to an act of Parliament. The governor, however, soon determined to cut the knot he could not untie. He therefore issued a commission, to dispense with the law, and establish quarters for the troops in the town. I speak from his own letter.

Thus the people saw two acts of Parliament, made for their protection, wantonly and with impunity violated; while those, which were to their feelings highly unjust and oppressive, were to be rigorously executed with a military force. Nothing could be devised more irritating, except the manner in which the quartering

the soldiers was executed. They filled the General Assembly room, the Court-House, and Fanueil Hall, where the town meetings were assembled. When the General Assembly met, the main guard was planted with a number of field-pieces at, and pointed into, the very door of the Assembly house. Every species of insult and outrage was, as if purposely, practised to drive the people into some violent act, which should justify the letting loose the military upon them.

In consequence of the various violations of those laws which should have protected them, the minds of the people were in the most dangerous state of alarm and agitation. To prevent the destructive commotions which might be apprehended from such a disposition, the moderate and well-disposed inhabitants of Boston petitioned the governor to call an Assembly, that the popular turbulence might be quieted by their confidence in and respect for their own legislature. The governor, however, thought proper to refuse them this relief; they therefore summoned a convention of deputies from the different townships, as the only means of composing the agitation of men's minds, (from which they otherwise expected the worst consequences,) by their confidence in persons deputed by themselves, to enter into a wise and cool consideration of their grievances, and the constitutional means of obtaining redress. The selectmen of Boston have expressed these motives in the following passage of their circular letter; "Deprived of the counsels of a General Assembly, in this dark and difficult season, the loyal people of this province will, we are persuaded, immediately perceive the propriety and utility of the proposed committee of convention; and the sound and wholesome advice that may be expected from a number of gentlemen chosen by themselves, and in whom they may repose the

greatest confidence, must tend to the real service of our most gracious sovereign, and the welfare of his subjects in this province, and may happily prevent any sudden and unconnected measures, which, in their present anxiety, and even agony of mind, they may be in danger of falling into."

The convention met on the 22d of September, 1768, and drew up an humble petition to his Majesty, imploring relief. "With great sincerity," say they, "permit us to assure your Majesty, that your subjects of this province, of which we are a part, ever have acknowledged and still continue to acknowledge your Majesty's High Court of Parliament the supreme legislative power of the whole empire. The superintending authority of which is clearly admitted in all cases that can consist with the fundamental rights of nature, and the constitution to which your Majesty's happy subjects in all parts of your empire conceive they have a just and equitable claim.

"It is, therefore, with the deepest concern, that your humble suppliants would represent to your Majesty, that your Parliament, the rectitude of whose intentions is never to be questioned, has thought proper to pass divers acts, imposing taxes on your Majesty's subjects in America, with the sole and express purpose of raising a revenue. If your Majesty's subjects here shall be deprived of the honor and privilege of voluntarily contributing their aid to your Majesty in supporting your government and authority in the province, and defending and securing your rights and territories in America, which they have always hitherto done with the utmost cheerfulness; if these acts of Parliament shall remain in force, and your Majesty's Commons in Great Britain shall continue to exercise the power of granting the property of their fellow subjects in this

province, your people must then regret their unhappy fate, in having only the name left of free subjects."

The troops, which had landed at Boston without the least opposition, determined, as it was natural to expect, to make the disturbance they were disappointed in not finding. They offered a variety of insults to the peaceable inhabitants, and one of their officers was detected in attempting to excite the Negroes to rebel; till at last a party of soldiers, under the command of Captain Preston, fired upon the people on the 5th of March, 1769, killing six, and wounding many more. So intolerable an outrage assembled the people, who were so much incensed, that it was thought prudent for the troops to evacuate the town.

The removal of the troops restored the tranquillity of the town and the good-humor of the people, the principal of whom exerted themselves to palliate the conduct of Captain Preston, and obtain for him a favorable trial. To this end, he was tried separately from the soldiers; and he was acquitted, because no evidence could depose, that they heard him give orders to fire. Indeed, the noise of the tumult was so great, that, if he had given such orders, which he denied, none could have heard him but the soldiers among whom he stood. When the soldiers came to be tried, they pleaded the orders of their captain, which they durst not disobey. And on the belief of this as a truth, the humane jury acquitted them also. An instance of great temper and equity in a people so exasperated.

It was not, however, intended, that the quiet of the town and province should continue long. New modes of irritation were applied, to drive the people into violence and despair.

Mr. Robinson, one of the commissioners, who had attempted to assassinate Mr. Otis, was despatched to

England immediately after the affair of the 5th of March, with a case said to be that of Captain Preston, though directly repugnant to what he had published under his own hand. This case had been secretly drawn up, and was as secretly transmitted. The purpose of it was to throw the charge of being the aggressors upon the people, and that the soldiers fired upon them in their own defence, and to save the Custom-House from being plundered. This statement was accompanied by minutes of Council framed by the secretary himself, and secretly sworn to, in which one of his Majesty's council was represented as declaring, that there had been a premeditated design and plan of a general insurrection formed by the people, of which this attack upon the guard was the first step. Absurd as it was to suppose, that the people had planned and begun to execute an insurrection, and yet not a man appear in arms, for no such thing was pretended, still the example of the success and impunity with which Governor Bernard had accused them specifically of treason, without being able to prove a tittle of it, was enough to encourage Governor Hutchinson, and his brother-in-law the secretary, to repeat a similar charge on this occasion, which they knew would operate for the time; and, being made secretly, they trusted it would not be known, so as to meet a refutation. Mr. Commissioner Robinson arrived in London, and his "State," &c. was circulated through the ministry and members of Parliament, and, supported by his personal applications, inflamed them against the province. In the mean time, the town proceeded to draw up their narrative of the affair, founded upon affidavits taken openly, with notice given to all persons concerned to attend and cross-examine the witnesses. Upon this open and fair inquiry, it appeared by the testimony of near a hundred persons, that the

soldiers were the aggressors, having fired upon the people without sufficient provocation, and without the intervention of, or even application to, the civil magistrate.

It was not until October, 1770, that the representation and affidavit of their secretary, Mr. Oliver, reached his Majesty's Council at Boston, in a pamphlet, which had been published in London, to justify the proceedings of the military on the 5th of March, 1769, and accuse the people. The member to whom he had imputed the words, which were calculated to convey the idea of an insurrection having been planned by the people, publicly made oath, that the secretary had misrepresented his words, and that he never knew, or heard, or even thought of any such plan. The other members of Council, who were present, also made oath, that Mr. Oliver's account was a misrepresentation ; and the Council came unanimously to the following resolutions; "That Andrew Oliver, Esquire, secretary of this province, by secretly taking minutes at Council, of what was said by the members of the Council, in their debates, also by signing a paper containing those minutes, and further by giving his deposition to the truth of it, has, in each and all those instances, acted inconsistent with the duty of his office, and thereby is guilty of a breach of trust."

Mr. Oliver, thus stigmatized, was soon after appointed lieutenant-governor of the province. Unhappily this wore the appearance of rewarding him for his treachery to the Council, and his enmity to the people, which tended necessarily to diminish the confidence and respect due to government, and to spread discontent through the province.

On the 13th of May, 1770, Governor Hutchinson held the Assembly at Cambridge, obliging them to quit

Boston, where all the public records and conveniences for carrying on business, were lodged. The two Houses remonstrated against this, not only as highly inconvenient and distressing to them, and an embarrassment to public business, but an infringement of their chartered rights. Notwithstanding this, the Assembly was continued there for two sessions without any reason being given but mere will and pleasure (signified in instructions from the minister), and then it was adjourned to Boston, not as an act of graciousness, but of caprice. It was impossible but that such proceedings must have irritated men's minds, and raised among all ranks of people a spirit of discontent and distrust.*

The proceedings in England were not more conciliating.

Governor Bernard had, by various false and inflammatory representations, concentred upon the province the whole force of royal and parliamentary indignation. He had expressly accused certain persons of a treasonable design, their names, as he pretended, being enrolled for the purpose, to seize the castle and turn it against the King's troops.

This intelligence produced the following address from the House of Lords to the King, on the 15th of December, 1768, concurred in by the Commons on the 9th of February, 1769.

"As we conceive that nothing can be more imme-

* The Assembly of South Carolina was about the same time removed from Charleston to Port Royal, a remote place, unfit to accommodate them. This method of harassing Assemblies into the measures of a ministry, seems borrowed from the favorite minister of Henry the Third, who, "to work his ends," (as Gascoigne tells us,) "caused the Parliament to sit *in villibus et remotis partibus regni*, where few people, *propter defectum hospitii et victualium*, could attend, and by shifting that Assembly from place to place to enforce," (in the author's words,) "*illos paucos, qui remanebunt de communitate regni, concedere regi quamvis pessima.*"

diately necessary, either for the maintenance of his Majesty's authority in the said province, or for guarding his Majesty's subjects therein from being further deluded by the arts of wicked and designing men, than to proceed in the most speedy and effectual manner for bringing to condign punishment the chief authors and instigators of the late disorders, we beseech his Majesty, that he will be graciously pleased to direct his Majesty's governor of Massachusetts Bay to take the most effectual methods for procuring the fullest information that can be obtained touching all treasons, or misprisions of treason, committed within his government since the 30th day of December last, and to transmit the same, together with the names of the persons who were the most active in the commission of such offences, to one of his Majesty's principal Secretaries of State, in order that his Majesty may issue a special commission for inquiring of, hearing, and determining the said offences within this realm, pursuant to the provisions of the statute of the thirty-fifth year of the reign of King Henry the Eighth, if his Majesty shall, upon receiving the said information, see sufficient ground for such a proceeding."

His Majesty's answer was;

"I shall not fail to give those orders which you recommend, as the most effectual method of bringing the authors of the late unhappy disorders in that province to condign punishment."

But Governor Bernard, thus armed with all the powers of government, was unable to substantiate his accusation against a single person. The purposes for which the accusation was devised were fully answered. An odium had been fixed upon the people, a military force had been sent, which promised to create the very rebellion he had falsely declared to exist, for the purpose of procuring that force.

The manner in which he proceeded in his endeavours to stir up resistance and create disorders, is thus described in the narrative of the town, and which he has never been able to contradict.

"Governor Bernard, without consulting the Council, having given up the State-House to the troops at their landing, they took possession of the chambers where the representatives of the province and the court of law held their meetings; and (except the council-chamber) of all other parts of the house; in which they continued a considerable time, to the great annoyance of those courts while they sat, and of the merchants and gentlemen of the town, who had always made the lower floor of it their exchange. They had a right so to do, as the property of it was in the town; but they were deprived of that right by mere power. The said governor soon after, by every stratagem and method, but a forcible entry, endeavoured to get possession of the manufactory house, to make a barrack of it for the troops; and for that purpose caused it to be besieged by the troops, and the people in it to be used very cruelly; which extraordinary proceedings created universal uneasiness, arising from the apprehension, that the troops, under the influence of such a man, would be employed to effect the most dangerous purposes. But, failing of that, other houses were procured, in which, contrary to act of Parliament, he caused the troops to be quartered. After their quarters were thus settled, the main guard was posted at one of the said houses, directly opposite to, and not twelve yards from, the State-House, (where the General Court and all the law courts for the county were held,) with two field-pieces pointed to the State-House. This situation of the main guard and field-pieces seemed to indicate an attack upon the constitution, and a defiance of law;

and to be intended to affront the legislative and executive authority of the province."

The General Court, at the first session after the arrival of the troops, viewed it in this light, and applied to Governor Bernard to remove such an offence, but to no purpose. Disgusted at such an indignity, and at the appearance of being under duress, they refused to do business in such a situation, and were removed to another place, to the great inconvenience of the members.

Besides this, the challenging the inhabitants by sentinels posted in all parts of the town, occasioned many quarrels and great uneasiness. It was fully proved against Captain Wilson of the fifty-ninth regiment, that he was exciting the Negroes of the town to take away their masters' lives and property, and repair to the army for protection. To these were added various outrages, such as the soldiers' attacking and insulting the magistrates of the town, rescuing their fellows from the peace officers, firing loaded muskets in the streets, to the great alarm and danger of the peaceable inhabitants, and wounding persons frequently and wantonly with their bayonets and cutlasses.

These insults and outrages did not, however, produce the insurrection that was wished; but a humble petition from the representatives of the people to his Majesty against the author of all those evils, Governor Bernard.

This petition was voted the 27th of June, 1769. The governor prorogued the Assembly to January 10th, 1770, and came over to England. On the 25th of October, he presented a petition to bring the charges against him to a hearing. In the mean time orders were sent to the lieutenant-governor, Mr. Hutchinson, to prorogue the Assembly to the 14th of March, which was done accordingly. Notwithstanding the agent

represented the impossibility of the Assembly even knowing that their petition was to be heard, much less transmitting evidence in support of the allegations it contained, that this impossibility was created by the very person accused, and who, in the face of that, called upon them to support their charge, to which the agent added a humble prayer, that the hearing might be deferred till convenient time was given for the meeting of the Assembly, and transmission of evidence; yet the petition was ordered peremptorily to a hearing on the 28th of February, when, in default of evidence, the several charges in it were declared "groundless, vexatious, and scandalous," and that the petitioning could only be with a view of "keeping up a spirit of clamor and discontent in the said province."

Thus the people had the grief and mortification to find, that, whether they were the accusers or the accused, they were sure of being censured and condemned. This man had been instrumental in bringing upon them the odium of disaffection and rebellion; he had shut the ear of the King and Parliament against their applications for redress of grievances; he had contributed to the having a military force sent to dragoon them; he had, in violation of an express act of Parliament, quartered those troops in their town, with every circumstance of insolence and outrage; he had subjected them to the intolerable oppression of being dragged three thousand miles, upon mere suspicion, to struggle for their lives and property, without friends and without witnesses, against all the force of ministerial prosecution. Yet it was conceived, that to petition against such a man could only flow from factious motives; and, because his own agency in proroguing the Assembly rendered it impossible they should even know it was required of them to support their charges

against him, those charges were pronounced groundless and malicious. With the feelings of men, they could not but be sensibly affected by these proceedings, which, to speak in the language of the poet,

"preaching to stones,
Would make them capable."

To heighten the coloring of these transactions, orders were sent in 1771 to the governor, to refuse his assent to any tax bill, which should include the commissioners of customs. These gentlemen, whose officious and incendiary zeal against that country had raised them to office, were to be distinguished more than the first men in this country, by an exemption from sharing in the common burdens of the community.

In 1772, the judges' salaries were ordered to be paid out of the extorted revenue, and not by grants from the representatives of the people, as had been the constant usage. Nothing could alarm the people more than this establishment, as it struck at once at the very root of the impartial administration of justice. The inhabitants of Boston say in their address to the governor, that, "as the judges hold their places *during pleasure*, this establishment was big with the most fatal evils."

Both Governor Bernard and Governor Hutchinson had repeatedly represented the discontent and opposition, as arising from a factious few in Boston; and that the province in general were averse to their measures, and satisfied with their situation. To ascertain the general sentiments of the people, a committee was appointed at Boston, to represent their sense of grievances to the rest of the townships, and take their opinion upon them. This was accordingly done, the 2d of November, 1772. The rest of the towns concurred most unanimously in the same sense of grievances, and desire of having them redressed.

On the 6th of January, 1773, Governor Hutchinson, in his speech to the two Houses of Assembly, challenges them to a controversy upon the supreme legislative authority of Parliament. The Assembly, in their answer, take up the question as a point of argument and speculation, refuting his arguments, and controverting his conclusions. It was a question, which, of themselves, they had never ventured to agitate, and they entered into it now, when publicly provoked to it, with avowed reluctance. "We have the highest respect," say they, "for that august body, the Parliament, and do not presume to prescribe the exact limits of its authority. Yet, with the deference that is due to it, we are humbly of opinion, that, as all human authority, in the nature of it, is and ought to be limited, it cannot constitutionally extend, for the reasons we have above suggested, to the levying of taxes in any form on his Majesty's subjects of this province. These are great and profound questions. It is the grief of this House, that, by the ill policy of a late injudicious administration, America has been driven into the contemplation of them. And we cannot but express our concern, that your Excellency by your speech has reduced us to the unhappy alternative, either of appearing by our silence to acquiesce in your Excellency's sentiments, or of thus freely discussing this point."

The most charitable construction of this conduct in the governor, is that it was prompted by indiscreet zeal; the most probable conjecture is, that it was a snare laid for the two Houses, to draw them into such a denial of the supreme legislative authority of this country, as might expose them to its utmost indignation. Whether it arose from malice or indiscretion, most certainly it was courting the discussion of a question, which common sense and common honesty would have

wished to cover with a sacred and impenetrable veil. But the two Houses, though compelled into the discussion of the right as a speculative point, had no idea of drawing it into question practically. For, in March following, the House of Representatives transmitted a letter to the Secretary of State, (the Earl of Dartmouth,) in which they thus state the exercise of that power, which was questionable as to the right and grievous in its operation.

"Your Lordship is well acquainted with the several acts, by which the British Parliament have thought proper, within a few years past, to raise a revenue in America, without our consent. The many and weighty reasons against, and objections to, those acts, are so well known and understood by your Lordship, that we shall not take off your attention to the great affairs of the nation, by particularly mentioning them at this time. We only beg leave to say, that we apprehend they tend to injure our commerce and subvert our liberties, and therefore are unjust, impolitic, and destructive of the real interest of the whole empire."

The same temper and moderation appears in the letter addressed by both Houses to the Earl of Dartmouth.

"Province of the Massachusetts Bay,
"June 29th, 1773.

"My Lord,*

"The reëstablishment of the union and harmony that formerly subsisted between Great Britain and her colonies is earnestly to be wished by the friends of both. As your Lordship is one of them, the two Houses of the Assembly of this province beg leave to address you. The original causes of the interruption of that union

* The Right Honorable the Earl of Dartmouth.

and harmony may probably be found in the letters sent from hence to administration, and to other gentlemen of influence in Parliament, since the appointment of Sir Francis Bernard to the government of this province; and there is great reason to apprehend, that he and his coadjutors originally recommended and laid the plans for the establishing the American revenue, out of which they expected large stipends and appointments for themselves, and which, through their instrumentality, has been the occasion of all the evils that have since taken place.

"When we had humbly addressed his Majesty, and petitioned both Houses of Parliament, representing our grievances, and praying for the repeal of the revenue acts, the like instruments, and probably the same, exerted themselves to prevent those petitions being laid before his Majesty and the Parliament, or to frustrate the prayer of them. Of this we have just had some new and unexpected evidence from original letters of Governor Hutchinson and Lieutenant-Governor Oliver; in which the former particularly and expressly, by his letter of the 10th of December, 1768, endeavoured, in coöperation with Governor Bernard, to frustrate a petition of a number of the Council for the repealing those acts, and to procure his Majesty's censure on the petitioners; and the letters of the latter, by the disadvantageous idea conveyed by them of the two Houses of Assembly, manifestly tended to create a prejudice against any petitions coming from a body of such a character; and his letter of the 11th of May, 1768, in particular, mentions the petition of the House of Representatives to his Majesty, and their letters to divers noble Lords, with such circumstances as had a tendency to defeat the petition, and render the letters of no effect.

"It is now manifest, my Lord, what practices and arts have been used to mislead administration, both in the first proposal of American revenue acts, and in the continuance of them; but, when they had lost their force, and there appeared, under the influence of your Lordship, a disposition in Parliament to repeal those acts, his Excellency Governor Hutchinson, in his speech at the opening of the last session of the General Court, was pleased to throw out new matter for contention and debate, and to call on the two Houses, in such a pressing manner as amounted to little short of a challenge, to answer him. Into such a dilemma were they brought by the speech, that they were under a necessity of giving such answers to it as they did, or having their conduct construed into an acquiescence with the doctrines contained in it, which would have been an implicit acknowledgment, that the province was in a state of subjection differing very little from slavery. The answers were the effect of necessity, and this necessity occasioned great grief to the two Houses. The people of this province, my Lord, are true and faithful subjects of his Majesty, and think themselves happy in their connexion with Great Britain.

"They would rejoice at the restoration of the harmony and good-will, that once subsisted between the parent state and them; but it is in vain to expect this happiness during the continuance of their grievances, and while the charter rights, one after another, are wrested from them. Among these rights is the supporting of the officers of the crown by grants from the Assembly; and, in an especial manner, the supporting of the judges in the same way, on whose judgment the province is dependent, in the most important cases of life, liberties, and property. If warrants have not yet been, or if they already have been issued, we

earnestly beg the favor of your Lordship's interposition to suppress or recall them. *If your Lordship should condescend to ask, what are the means of restoring the harmony so much desired, we should answer, in a word, that we are humbly of opinion, if things were brought to the general state in which they stood at the conclusion of the late war, it would restore the happy harmony which at that time subsisted.*

"Your Lordship's appointment to be principal Secretary of State for the American department has given the colonies the highest satisfaction. They think it a happy omen, and that it will be productive of American tranquillity, consistent with their rights as British subjects. The two Houses humbly hope for your Lordship's influence to bring about so happy an event; and in the mean time they can with full confidence rely on your Lordship, that the machinations of Sir Francis Bernard, and other known enemies of the peace of Great Britain and her colonies, will not be suffered to prevent or delay it.

"This letter, which has been agreed on by both Houses, is in their name, and by their order, signed and transmitted to your Lordship by, my Lord, your Lordship's most obedient and very humble servant,

"THO. FLUCKER, *Secretary.*"

In the mean time the representatives of the people have omitted no opportunity of laying their griefs at the foot of the throne, with the most humble supplications for relief.

Their petition to the King, in 1772, speaks thus; "The inhabitants of this province had long shared in the blessings of good government under the mild administration of your Majesty, and your royal predecessors, until your British Parliament saw fit to pass divers acts for the express purpose of raising a revenue

in America, without the consent of your subjects inhabiting therein. It was this that filled the minds of your subjects of this province with discontent; being grieved, that your Majesty's Council should advise to a measure, which in a great degree deprives them of the rights and liberties of free and natural subjects, granted to them by the charter. The House of Representatives did, in the year 1768, demonstrate to your Majesty this grievous infraction of their dearest rights of Englishmen. Our hearts are too deeply impressed with loyalty and affection to your Majesty's person and family to imagine, that a failure of the redress then prayed for can be imputed to any want of paternal regard in your royal mind for all your subjects. It becomes us rather to suppose, that the petition and complaint, unfortunately for us, did not reach the throne."

They repeat the same subject of complaint in their petition of 1773, in these words; "The Parliament of Great Britain, in which your subjects here are not and cannot be represented, hath exercised a power of raising a revenue within the province, to the great grief and distress of your Majesty's people, and, we conceive, in repugnance to the royal charter. Your petitioners did, at the last session of this Assembly, make their humble supplication to your Majesty, praying the interposition of your royal clemency for the redress of their grievances; but we know not whether our petition was ever laid before your Majesty."

Besides the causes of uneasiness and irritation already mentioned, sundry instructions have been sent to the governor of this province, since the year 1770, which tended to keep the people in continual alarm and discontent. The nature of these instructions is fully explained in the following extract from a letter of the House of Representatives to the Earl of Dartmouth.

"We cannot refrain from expressing our strongest apprehensions, that the instructions which have of late been given to the governor by the ministry, if persisted in, will entirely destroy our liberties, and subvert our happy constitution. In pursuance of instructions, the garrison of our principal fortress, Castle William, has been withdrawn, and a garrison of his Majesty's regular troops, over whom the governor has declared he has no control, placed in their stead. By this means the governor has no longer that command of this fortress, which he is vested with by the royal charter. Upon this occasion we would refer it to your Lordship's consideration, whether the establishment of the office and power of a military commander-in-chief, not subordinate to, but independent of, uncontrolled by, and in some instances superseding, the power and authorities already granted to the governors and captains-general of the provinces, with a jurisdiction extending over the whole continent of America, is not repugnant to law, and to the principles of prudence and sound policy; and must not be very alarming to all those, who have any regard for the liberties of the constitution either of Great Britain or of the colonies.

"By virtue of instructions, the Honorable his Majesty's Council are forbid to meet and transact matters of a public concern, as a council of advice to the governor, unless called by the governor; and, if they should so meet at any time, the governor is ordered to negative them at the next election.

"Notwithstanding the charter fully authorizes and empowers the General Court to impose and levy proportionable and reasonable rates and taxes upon the estates and persons of all and every the proprietors and inhabitants of the province, yet the governor has been instructed not to give his consent to any law or laws,

by which the commissioners, or any person employed in the King's service, whose offices have no peculiar relation to this province, shall be taxed. This we conceive is repugnant to the privilege granted by charter, which makes the General Court the only proper judges who are to be exempted from taxes. By instruction also, the governor is forbid to give his consent, upon any pretence whatever, to any vote or order for the payment of any salary or allowance to any person or persons appointed to negotiate the affairs of the province in Great Britain, other than such as shall be thereunto appointed by an act of the whole legislature, or by a vote of the House of Representatives, to which the governor and Council respectively have given their concurrence. Of what service can such an agent be to the province, especially while matters, which so nearly affect the very fundamentals of the constitution, are in dispute? For, if he must receive his instructions from all the branches of the legislature, as may, and undoubtedly will be insisted on, can it be expected they will agree in a set of instructions in our present critical situation? If it should be said, that either branch would have a right to instruct the agent separately, yet it may happen, especially if the agent be equally obliged to pursue his instructions from each branch, that in the most important matters the instructions will be various and contradictory, which must totally deprive us of any benefit from his agency, in all such cases. In short, it is defeating us of every valuable purpose, as we conceive, that might accrue to the province by an agent at the court of Great Britain. Moreover, with such an agent, under the direction of the three branches, will it not be utterly impracticable for the Assembly ever to lay before their sovereign their complaints against the corrupt and arbitrary administration of a

governor? Self-defence, my Lord, whether it regard individuals or bodies of men, is the first law of nature. The right of defence includes all means requisite and proper for that defence, and consequently a right to appoint and support their own defender. It must therefore appear, that the House has, more especially when their dearest rights are at stake, a clear and just right to appoint an agent for themselves, without the concurrence of the governor.

"It must be apparent to your Lordship, that, while our judges hold their commissions during pleasure only, if they are to receive their support from the crown, independent of the free grants of the people, they will be dependent on the crown both for their places and support; and we should submit to your Lordship's consideration, whether this be not a situation in which no man could wish to be, who is properly impressed with a sense of human depravity, or who has a due regard for justice. In such a case, what decisions must the people expect, when the dispute lies between prerogative and privilege?

"We beg your Lordship's candid attention to the unhappy circumstances of the province; and hope the representation we have made of our grievances will meet with a favorable reception. The colonies are far from being insensible of their happiness in being connected with the mother country, and of the mutual benefits derived from it; and shall at all times esteem it our glory to cultivate, as far as our influence may extend, the warmest sentiments of loyalty and affection to his Majesty, and to promote a happy union and harmony between the subjects of Great Britain and those of the colonies. We are greatly aggrieved. We think it our indispensable duty to point out to your Lordship our grievances; and we have frequently done it

heretofore to administration. We have failed of success. Instead of being relieved, our grievances have been increased. Our constituents are justly and universally alarmed, and filled with anxious concern, at the present posture of affairs."

It is proper to say a single word about agency. Mr. De Berdt was appointed by the House only, 7th November, 1765; he was admitted, without the least question, as agent, at the Board of Trade, under different administrations, and Governor Bernard gave his assent to a bill for paying his salary so late as the year 1768. It happened to be the duty of the agent soon after to convey the complaints of his constituents to the throne, both against the minister and the governor. In this business a faithful, honest agent was found exceedingly troublesome. Such representations were therefore made by the governor, and such instructions sent by the minister, as incapacitated the House from paying their agent, unless they would have one approved of by the very persons against whom it might be his duty to act. This measure needs no comment. It is not in human depravity to devise an act of more gross injustice, than that of debarring men of the means of defending themselves when accused, or of complaining when injured.

With all these repeated disappointments and accumulated grievances rankling in the minds of the people, the House of Representatives received, through the hands of their agent, some original letters written by their governor and lieutenant-governor to persons of influence in England. These letters contained a most unfavorable representation of the principles and proceedings of the people, and of their representatives. They called for punishment upon individuals, and restraints upon the whole, by an abridgment of their

liberties. The means of altering the charter, and of new modelling the constitution of the colony, so as to render the crown absolute, were pointed out with a malignant ability. Strong injunctions were added of the necessity of finding out some way "to TAKE OFF the original incendiaries," lest they should "continue to instil their poison into the minds of the people."

These letters were read with grief, astonishment, and indignation. The people viewed the writers of them in the most criminal light. They considered them as the intentional authors of all their past calamities, and the enemies of their future peace and happiness. What aggravated the crime was, that these men were their countrymen, had always professed the warmest wishes for the welfare of the province and of the people; and, in consequence of those professions, had obtained their highest confidence and respect. This character was peculiarly competent to one of the letter-writers. He was the *Strafford* of his time. The secret manner in which the letters had been conveyed, made the treachery tenfold more terrible and offensive.

The House of Representatives voted an humble petition to the King for the removal of these governors, "who had rendered themselves justly obnoxious to the people, and entirely lost their confidence." His Majesty's Council in the province resolved, at the same time, that it would be for his Majesty's service, and the peace of the province, to remove them.

The petition was heard before a committee of the Lords of the Privy Council, where an illiberal lawyer was hired and permitted to abuse the petitioners and their agent, in the grossest terms scurrility could invent; and the Lords reported, "That the petition was groundless, vexatious, and scandalous, and calculated only for the seditious purpose of keeping up a spirit

of clamor and discontent in the province. That nothing had been laid before them, which did or could, in their opinion, in any manner, or in any degree, impeach the honor, integrity, or conduct of the governor or lieutenant-governor."

It is curious to observe, that Mr. Hutchinson, in his History, has described his own situation in that of Governor Dudley, in the year 1705. "The people," says he, "in general, looked upon him as an enemy, even to the privileges of the new charter. Sir Henry Ashurst procured an original letter, wrote by the governor's son Paul, who was then attorney-general, to Mr. Floyd, and sent it to New England, in which were these expressions; '*The government and College are disposed of here, in chimney-corners and private meetings, as confidently as can be. This country will never be worth living in, for gentlemen and lawyers, till the charter is taken away.*' Copies were dispersed about the province, and the letter was soon after printed."

Sir Henry Ashurst was agent for the province, and a man of high character, credit, and honor. Mr. Hutchinson passes no censure on this action, neither does it appear to have been censured at the time. Not that Wedderburns were wanting, but that the times did not countenance their scurrility.

In December, 1773, a large quantity of tea, shipped by the East India Company, with the duty imposed by Parliament to be paid in America, arrived at Boston. All the colonies, to which the tea under the same circumstances was destined, had publicly resolved that it should not be admitted. The directors of the East India Company had been forewarned of its fate, and an offer made before it was shipped to pay the duty here. But the tea was destined to produce the commotions it occasioned, and the offer was rejected. The people

met in Boston, and insisted on the tea being sent back. The governor refused to permit the ship to return, upon which some persons in disguise destroyed it in the night. It is manifest, that the governor intended to urge them to this extremity, or else he would have acted, as General Haldimand writes he expected Governor Tryon would do, "to prevent dangerous extremities, rather choose to permit the teas should be sent back to England." The same was permitted at Philadelphia, and the tea actually sent back on the 27th of December. General Haldimand declares this was the determination of every colony. "The several governors," says he, "of other provinces will undoubtedly make your Lordship acquainted with the opposition intended and made in their respective governments against the landing the tea; the whole proceeding from an almost unanimous resolution not to pay any new duties or taxes laid by the Parliament of Great Britain."

Governor Hutchinson's son and his near relation were the consignees of the tea, and the persons most interested in the sale of it. As the consignees had refused to resign the tea, their windows were broke by the mob. Upon this they applied to his Majesty's Council for protection, who came to the following report upon the application.

"In Council, November 27th, 1773, the petition of Richard Clark, Esquire, and others (to whom the East India Company have consigned a quantity of their tea) being referred to this day, the same was taken up; and, after long debates, Mr. Danforth, Mr. Bowdoin, Mr. Dexter, and Mr. Winthrop were appointed a committee thereon, who reported, and their report after debate was referred for further consideration to Monday next, at ten o'clock, A. M.

"Monday, November 29th, 1773. The said report was again considered, and after some amendment it was unanimously agreed to. It is as follows.

"Previous to the consideration of the petition before the Board, they would make a few observations occasioned by the subject of it. The situation of things between Great Britain and the colonies has been for some years past very unhappy. Parliament on the one hand has been taxing the colonies, and they on the other have been petitioning and remonstrating against it; apprehending they have constitutionally an exclusive right of taxing themselves, and that without such a right their condition would be but little better than slavery. Possessed of these sentiments, every new measure of Parliament, tending to establish and confirm a tax on them, renews and increases their distress; and it is particularly increased by the act lately made, empowering the East India Company to ship their tea to America.

"This act, in a commercial view, they think introductive of monopolies, and tending to bring on them the extensive evils thence arising; but their great objection to it is from its being manifestly intended (though that intention is not expressed therein) more effectually to secure the payment of the duty on tea, laid by an act passed in the seventh year of his present Majesty, entitled, 'An Act for granting certain Duties in the British Colonies and Plantations in America'; which act in its operation deprives the colonists of the right above mentioned (the exclusive right of taxing themselves), which they hold to be so essential an one, that it cannot be taken away, or given up, without their being degraded, or degrading themselves, below the character of men. It not only deprives them of that right, but enacts, that the moneys arising from the

duties granted by it may be applied 'as his Majesty or his successors shall think proper or necessary, for defraying the charges of the administration of justice, and the support of the civil government, within all or any of the said colonies and plantations.'

"This clause of the act has already operated in some of the colonies, and in this colony in particular, with regard to the support of civil government, and thereby has operated in diminution of its charter rights, to the great grief of the good people of it, who have been, and still are, greatly alarmed by repeated reports, that it is to have a further operation with respect to the defraying the charge of the administration of justice, which would not only be a further diminution of those rights, but tend in all constitutional questions, and in many other cases of importance, to bias the judges against the subject. They humbly rely on the justice and goodness of his Majesty for the restitution and preservation of those rights.

"This short state of facts the Board thought necessary to be given, to show the cause of the present great uneasiness, which is not confined to this neighbourhood, but is general and extensive. The people think their exclusive right of taxing themselves, by their representatives, infringed and violated by the act above mentioned; that the new act, empowering the East India Company to import their tea into America, confirms that violation, and is a new effort, not only more effectually to secure the payment of the tea duty, but lay a foundation for the enhancing it; and in a like way, if this should succeed, to lay other taxes on America; that it is in its attendants and consequences ruinous to the liberties and properties of themselves and their posterity; that, as their numerous petitions for relief have been rejected, the said new act demon-

strates an unwillingness in ministry that Parliament should grant them relief; that this is the source of their distress, that borders on despair; and that they know not where to apply for relief.

"These being the sentiments of the people, it is become the indispensable duty of the Board to mention them, that the occasion of the late demands on Mr. Clark and others (the agents for the East India Company), and of the consequent disturbances, might appear; and we mention them, not to justify those disturbances, the authors of which we have advised should be prosecuted, but to give a just idea of the rise of them.

"On this occasion, justice impels us to declare, that the people of this town and province, though they have a high sense of liberty, derived from the manners, the example, and constitution of the mother country, have, till the late Parliamentary taxations of the colonies, been as free from disturbances as any people whatever.

"This representation the Board thought necessary to be made, prior to their taking notice of the petition of the agents above mentioned; to the consideration of which they now proceed.

"The petitioners 'beg leave to resign themselves, and the property committed to their care, to his Excellency and the Board, as guardians and protectors of the people, praying that measures may be directed to for the landing and securing the tea,' &c. With regard to the personal protection of the petitioners, the Board have not been informed, that they have applied for it to any of the justices of the peace; within whose department it is to take cognizance of the case of the petitioners, and of all other breaches of the peace; they being vested by law with all the authority necessary for the protection of his Majesty's subjects. In the

principal instance of abuse,* of which they complain, the Board have already advised, that the authors should be prosecuted according to law; and they do advise the same in the other instances mentioned in their petition.

"With regard to the tea committed to the care of the petitioners, the Board have no authority to take either that or any other merchandise out of their care; and, should they do it, or give any order or advice concerning it, and a loss ensue, they apprehend they should make themselves responsible for it. With respect to the prayer of the petition, 'that measures may be directed to for landing and securing the tea,' the Board would observe on it, that the duty on the tea becomes payable, and must be paid, or secured to be paid, on its being landed. And should they direct or advise to any measure for landing it, they would of course advise to a measure for procuring the payment of the duty, and therefore be advising to a measure inconsistent with the declared sentiment of both Houses in the last winter session of the General Court, which they apprehend to be altogether inexpedient and improper.

"The Board, however, on this occasion assure your Excellency, that, as they have seen with regret some late disturbances, and have advised to the prosecuting the authors of them, so they will, in all legal methods, endeavour, to the utmost of their power, to prevent them in future.

"Whereupon advised, that his Excellency renew his orders to his Majesty's justices of the peace, sheriffs, and other peace officers, to exert themselves to the utmost for the security of his Majesty's subjects, the preservation of peace and good order, and for preventing all offences against the law."

* Some of their windows were broken.

On the 18th of February, 1774, the whole House of Representatives waited on the governor with a second petition, for the removal of the chief justice, who had rendered himself incapable, by accepting a salary from the crown, at whose will he also held his place. They say; "Your Excellency will please to consider, that this House is well acquainted with the general sense of their constituents in this matter; and we can now assure you, that the continuance of the chief justice in his place will increase the uneasiness of the people without doors, and endanger the public tranquillity. We therefore earnestly entreat your Excellency, that, while we are in this instance employing the powers with which we are intrusted in promoting the tranquillity and good order of government, 'we may,' agreeably to your declaration in your speech to both Houses, 'find that you are ready to give your consent to a request of the House intended for that and other great and important purposes'; and that your Excellency will immediately take every step for the removal of the chief justice from the Superior Court."

The governor returned them a positive denial, accompanied with a curious piece of equivocation. The House had prayed, that he would take the advice of his Majesty's Council upon their petition, conformable to the charter. To which he answers, That, though he was by charter to act with the advice and assistance of his Council, yet the summoning of the Council was *in his discretion.* Thus was the protective provision of the charter effectually evaded.

This is a full and fair state of the proceedings in and respecting the province of the Massachusetts Bay, from the year 1762 to 1774.

The candid reader will judge what causes of discontent have been given them, and whether they have

operated beyond their natural bounds. If they have been particularly unquiet, they have also been particularly irritated and injured. Imagining ourselves in their situation will, I believe, prevent us from severely censuring their conduct.

It is manifest, that they have constantly expressed their complaints in petitions conceived in the most measured language of subordination and respect. That they have repeatedly acknowledged the supreme legislative authority of Parliament. That the only instance in which they seem to have questioned it, was in a mere speculative dispute, purposely provoked by the governor. That the constant subject of their complaints has been the having their money taken from them without their consent; the substituting a dependent judge, bribed by being paid out of the forfeitures, to determine in all causes of revenue, by the rules of the civil law, and without a jury; and the violation of their security in the due administration of government and of justice, by rendering the governor and judges *totally* dependent on the crown. That their wish has been to return to the state in which they were before the passing these laws and sending these instructions, and not to become independent of Great Britain. This appears, not only from their repeated and authentic declarations, but from Governor Hutchinson's letters. "The enemies of government" (so is he pleased to style the Council, the House of Representatives, and the people,) "gave out, that their friends in Parliament were increasing, and all things would be soon on the old footing; in other words, that all acts imposing duties would be repealed, the Commissioners' Board dissolved, the customs put on their old footing, and illicit trade be carried on with little or no hazard." The malignity of this reflection upon the people, will plainly

appear from the following declaration of Governor Bernard, whose testimony in their favor will hardly be questioned. "I do not pretend," says he, "that this province is *entirely* free from the breach of those laws" (of trade), "but only that such breach, if discovered, is *surely punished.*" What more can be said of the best country upon earth? Yet Governor Hutchinson does not scruple to charge them with having been all smugglers, and to throw an odium upon their struggling for their rights by the imputation of their sole object being to renew that illicit trade with impunity.

It must also appear from their proceedings, that their great crime has been their constancy in petitioning for redress of grievances; which has been attempted to be repressed, even by the most unjustifiable means of refusing them an agent to vindicate them when misrepresented, and support their complaints. While this common right of justice is denied them, persons are notoriously hired here to load them in the public papers with every species of opprobrium, falsehood, and abuse. There are two things which deserve the most particular attention. First, That whenever affidavits were taken on the part of the people, they were taken in public, with summonses to all persons concerned to attend, and cross-examine the witnesses; on the contrary, those which were obtained by the governor and commissioners, accusing the people, were made in secret, the persons accused unapprized and totally ignorant of the proceedings, they were transmitted in secret, and the injured persons, by mere accidents, and after they had operated to their hurt, had an opportunity of seeing and refuting them. The instances on both sides will be found in the affidavits taken on the seizure of the sloop Liberty, and the riot, and in Mr. Oliver's affidavit, and the narrative of the town, respecting the massacre on the 5th of March. Secondly, That the chief

and almost only continual witnesses against the people are the Governors Bernard and Hutchinson; the former of whom has long labored under an accusation upon oath of gross corruption in his office; the latter has been detected in the basest plot against their liberties; and both are at open enmity with the people, having been petitioned against by their representatives, as universally odious. How far the representations of men so circumstanced can be presumed fair and impartial, or deserve credit, must be left to the candid to determine.

We have seen their petitions either intercepted, or treated with a contemptuous silence, or answered with the severest censures. Seven years' supplication has brought no relief. And now, to fill up the measure of their misfortunes, their port is stopped up, their charter is to be subverted, and a lawless army let loose upon them. They have been tried, condemned, and punished, unheard and unapprized of the whole proceeding. They are left to weep over their apprehensions, realized in the utter subversion of their liberties. This accumulation of calamities is heaped upon them, because high and strong resentments, as they naturally must, have followed severe and reiterated injuries; because discontent has arisen from disappointed and despised complaints, and violence from insulted discontent.

Whoever will take the trouble of reading, in the history of this most meritorious and unhappy people, the unparalleled hardships with which they purchased those liberties we have now torn from them, and view the deplorable, the desperate situation to which they are now reduced; however obdurate, however prejudiced he may be, he must think, at least, *one human tear may drop, and be forgiven.*

LETTERS TO DEAN TUCKER.

The Reverend Josiah Tucker, Dean of Gloucester, was a man of learning and talents, but somewhat wayward in his temper, and far from conciliatory in the tone of his writings. He is said to have been faithful in the discharge of his parochial duties, and to have published some creditable treatises on theology; but his thoughts and studies were chiefly turned to political and commercial subjects, upon which he wrote several tracts. It was for this reason that Warburton, Bishop of Gloucester, who was not on the best terms with his Dean, used to say, that "the Dean's trade was religion, and religion his trade." In a letter to Dr. Hurd, he likewise said; "I have not seen the Dean since his return; and hope I shall not, till the ebullition of his German ferment be well over," alluding to some tract of his on naturalization, in which he supported with zeal a scheme for the settling of Germans in England.

He published several pamphlets on the colonial controversy, in which it was allowed that the general principles of trade, and the commercial interests of Great Britain, were discussed with ability. He had a plan peculiar to himself, which he took great pains to enforce. It is thus described in his own words, namely; "To separate totally from the colonies, and to reject them from being fellow members and joint partakers with us in the privileges and advantages of the British empire, because they refuse to submit to the authority and jurisdiction of the British legislature." This project he defended with great pertinacity, notwithstanding the ridicule it drew upon him from various quarters, and the violence with which it was attacked through the press, and even in Parliament. He triumphed at last, though not in the way most pleasing to himself; for it was not his purpose to benefit the colonies by a separation, but to relieve the mother country from what he considered a troublesome and unworthy appendage.

Dean Tucker's plan is largely unfolded in a pamphlet, which he published in 1775, called "*An Humble Address and Earnest Appeal,*" wherein he recommends an act of Parliament, and suggests that it should be drawn up as follows.

"Whereas many of the British provinces, colonies, and plantations in North America, after having made, from time to time, various attempts to throw off, or subvert the legislative authority and jurisdiction of Great Britain, have at length proceeded to the greatest and most daring outrages for accomplishing the same, by entering into illegal combinations and traitorous conspiracies, and even by breaking out into open and undisguised rebellion; and whereas the inhabitants in general of the said provinces, colonies, and plantations show not the least signs of sorrow and contrition for their past offences, nor any desire to implore the clemency of the parent state, which hath in all instances cherished, supported, and protected them at an immense expense both of blood and treasure; but, on the contrary, continue to increase their hostile preparations for opposing, by violence and force of arms, the execution of the laws made by the supreme legislature of Parliament for the due governance and constitutional dependence of such subordinate states and provinces;

"Be it, therefore, enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and of the Commons of Great Britain, in Parliament assembled, that every such province, colony, and plantation, which either now is, or at the day of next ensuing, shall be found to be in arms and rebellion against the laws and authority of the supreme legislature of Great Britain, shall, from and after the time above mentioned, be totally cut off, severed, and separated from the British empire; and that all its inhabitants shall be declared, and are hereby declared to have lost and forfeited all privileges and advantages, benefits and protection, both by sea and land, belonging or supposed to belong to the subjects of Great Britain; and that they shall be deemed, taken, and reputed, in all courts of law, and in all respects whatever, to be as much aliens and foreigners, and subject to the same incapacities, as if they had been aliens born.

"*Provided*, nevertheless, and to the intent, that, as far as the nature of the case will admit, the *innocent* may not be involved in the punishment intended only for the *guilty*, be it enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, and for his heirs and successors, at any time, to grant a pardon to a whole state, province, or colony, now in rebellion, under the great seal of the realm; or to one or more inhabitant or inhabitants thereof under the seal manual, and to *restore* such colony, or such person or persons to their former rights and privileges, as British subjects, when it shall appear to his Majesty in Council, that such a province

or colony, or such a petitioner or petitioners, is, are, or shall be, deserving of his royal clemency and favor." — *Humble Address*, p. 23.

The Dean enumerates many advantages, that would result from adopting his scheme. Among others are the following. "After a separation from the colonies," he says, "our influence over them will be much greater than ever it was since they began to feel their own weight and importance; for at present we are looked upon in no better a light than that of robbers and usurpers; whereas we shall then be considered as their protectors, mediators, and benefactors. The moment a separation takes effect, intestine quarrels will begin. For it is well known, that the seeds of discord and dissension between province and province are now ready to shoot forth; and that they are only kept down by the present combinations of all the colonies against us, whom they unhappily fancy to be their *common enemy*. When, therefore, this object of their hatred shall be removed by a declaration on our parts, that, so far from usurping all authority, we, from henceforward, will assume none at all against their own consent; the weaker provinces will entreat our protection against the stronger; and the less cautious, against the more crafty and designing. So that, in short, in proportion as their factious, republican spirit shall intrigue and cabal, shall split into parties, divide, and subdivide, in the same proportion shall we be called in to become their general umpires and referees." — *Four Tracts*, p. 218.

However strange it may seem, and whatever indications it may give of the state of the Dean's mind, it is nevertheless true, that the above was a grave and serious proposition. He defended it courageously against all his opponents. In some of his pamphlets on the affairs of the colonies, he attacked Dr. Franklin in an unjustifiable manner, propagating erroneous and illiberal reports, which gave rise to the following correspondence. — Editor.

TO JOSIAH TUCKER.

London, February 12th, 1774.

Reverend Sir,

Being informed by a friend, that some severe strictures on my conduct and character had appeared in a

new book published under your respectable name, I purchased and read it. After thanking you for those parts of it that are so instructive on points of great importance to the common interest of mankind, permit me to complain, that, if by the description you give in pages 180, 181, of a certain American patriot, whom you say you need not name, you do, as is supposed, mean myself, nothing can be further from the truth than your assertion, that I applied or used any interest, directly or indirectly, to be appointed one of the stamp officers for America. I certainly never expressed a wish of the kind to any person whatever; much less was I, as you say, "more than ordinarily assiduous on this head." I have heretofore seen in the newspapers insinuations of the same import, naming me expressly; but, being without the name of the writer, I took no notice of them.

I know not whether they were yours, or were only your authority for your present charge; but now they have the weight of your name and dignified character, I am more sensible of the injury; and I beg leave to request, that you will reconsider the grounds on which you have ventured to publish an accusation, that, if believed, must prejudice me extremely in the opinion of good men, especially in my own country, whence I was sent expressly to oppose the imposition of that tax. If on such reconsideration and inquiry you find, as I am persuaded you will, that you have been imposed upon by false reports, or have too lightly given credit to hearsays in a matter that concerns another's reputation, I flatter myself that your equity will induce you to do me justice, by retracting that accusation. In confidence of this, I am, with great esteem, Reverend Sir, your most obedient and most humble servant,

B. Franklin.

TO BENJAMIN FRANKLIN.

Monday, February 21st, 1774.

SIR,

The letter which you did me the honor to send to Gloucester, I have just received in London, where I have resided many weeks, and am now returning to Gloucester. On inquiry, I find that I was mistaken in *some circumstances* relating to your conduct about the Stamp Act, though right as to the *substance*. These errors shall be rectified the first opportunity. After having assured you, that I am no dealer in *anonymous* newspaper paragraphs, nor have a connexion with any who are, I have the honor to be, Sir, your humble servant,

J. TUCKER.

TO JOSIAH TUCKER.

[Tuesday, February 22d, 1774.]

REVEREND SIR,

I received your favor of yesterday. If the *substance* of what you have charged me with is right, I can have but little concern about any mistakes in the *circumstances;* whether they are rectified or not, will be immaterial. But, knowing the substance to be wrong, and believing that you can have no desire of continuing in an error, prejudicial to any man's reputation, I am persuaded you will not take it amiss, if I request you to communicate to me the particulars of the information you have received, that I may have an opportunity of examining them; and I flatter myself I shall be able to satisfy you that they are groundless. I propose this method as more decent than a public altercation, and suiting better the respect due to your char-

acter. With great regard, I have the honor to be, Reverend Sir, your most obedient humble servant,

B. Franklin.

TO BENJAMIN FRANKLIN.

Gloucester, February 24th, 1774.

Sir,

The request made in your last letter is so very just and reasonable, that I shall comply with it very readily. It has long appeared to me, that you much exceeded the bounds of morality in the methods you pursued for the advancement of the supposed interests of America. If it can be proved, that I have unjustly suspected you, I shall acknowledge my error with as much satisfaction as you can have in reading my recantation of it. As to the case more immediately referred to in your letters, I was repeatedly informed, that you had solicited the late Mr. George Grenville for a place or agency in the distribution of stamps in America. From which circumstance I myself concluded, that you had made interest for it on your own account; whereas I am now informed, there are no positive proofs of your having solicited to obtain such a place for yourself, but that there is sufficient evidence still existing of your having applied for it in favor of another person. If this latter should prove to be the fact, as I am assured it will, I am willing to suppose, from several expressions in both your letters, that you will readily acknowledge that the difference in this case between yourself and your friend, is very immaterial to the general merits of the question. But, if you should have distinctions in this case, which are above my comprehension, I shall content myself with observing, that your great abilities and happy discoveries deserve universal regard; and

that, as on these accounts I respect and esteem you, so I have the honor to be, Sir, your very humble servant,

J. Tucker.

TO JOSIAH TUCKER.

London, February 26th, 1774.

Reverend Sir,

I thank you for the frankness with which you have communicated to me the particulars of the information you had received, relating to my supposed application to Mr. Grenville for a place in the American stamp-office. As I deny that either your former or latter informations are true, it seems incumbent on me, for your satisfaction, to relate all the circumstances fairly to you, that could possibly give rise to such mistakes.

Some days after the Stamp Act was passed, to which I had given all the opposition I could, with Mr. Grenville, I received a note from Mr. Whately, his secretary, desiring to see me the next morning. I waited upon him accordingly, and found with him several other colony agents. He acquainted us, that Mr. Grenville was desirous to make the execution of the act as little inconvenient and disagreeable to America as possible; and therefore did not think of sending stamp officers from this country, but wished to have discreet and reputable persons appointed in each province from among the inhabitants, such as would be acceptable to them; for, as they were to pay the tax, he thought strangers should not have the emolument. Mr. Whately therefore wished us to name for our respective colonies, informing us, that Mr. Grenville would be obliged to us for pointing out to him honest and responsible men, and would pay great regard to our nominations. By this plausible and apparently candid declaration, we were

drawn in to nominate; and I named for our province Mr. Hughes, saying, at the same time, that I knew not whether he would accept of it, but, if he did, I was sure he would execute the office faithfully. I soon after had notice of his appointment. We none of us, I believe, foresaw or imagined, that this compliance with the request of the minister would or could have been called an *application* of ours, and adduced as a proof of our *approbation* of the act we had been opposing; otherwise I think few of us would have named at all; I am sure I should not. This, I assure you, and can prove to you by living evidence, is a true account of the transaction in question, which, if you compare with that you have been induced to give of it in your book, I am persuaded you will see a *difference* that is far from being "*a distinction above your comprehension.*"

Permit me further to remark, that your expression of there being "no *positive proofs* of my having solicited to obtain such a place *for myself*," implies that there are nevertheless some *circumstantial* proofs sufficient at least to support a suspicion. The latter part however of the same sentence, which says, "there is sufficient evidence still existing of my having *applied for it* in favor of another person," must, I apprehend, if credited, destroy that suspicion, and be considered as *positive* proof of the contrary; for, if I had interest enough with Mr. Grenville to obtain that place for another, is it likely that it would have been refused me, had I asked it for myself?

There is another circumstance, which I would offer to your candid consideration. You describe me as "changing sides, and appearing at the bar of the House of Commons to cry down the very measure I had espoused, and direct the storm that was falling upon

that minister." As this must have been after my supposed solicitation of the favor for myself or my friend, and Mr. Grenville and Mr. Whately were both in the House at the time, and both asked me questions, can it be conceived, that, offended as they must have been with such a conduct in me, neither of them should put me in mind of this my sudden changing of sides, or remark it to the House, or reproach me with it, or require my reasons for it? And yet all the members then present know, that not a syllable of the kind fell from either of them, or from any of their party.

I persuade myself by this time you begin to suspect you may have been misled by your informers. I do not ask who they are, because I do not wish to have particular motives for disliking people, who in general may deserve my respect. They too may have drawn *consequences* beyond the information they received from others, and, hearing the office had been *given* to a person of my nomination, might as naturally suppose *I had solicited it*, as Dr. Tucker, hearing that I had *solicited it*, might "*conclude*" it was for myself.

I desire you to believe, that I take kindly, as I ought, your freely mentioning to me "that it has long appeared to you, that I much exceeded the bounds of morality in the methods I pursued for the advancement of the supposed interests of America." I am sensible there is a good deal of truth in the adage, that *our sins and our debts are always more than we take them to be;* and though I cannot at present, on examination of my conscience, charge myself with any immorality of that kind, it becomes me to suspect, that what has *long appeared* to you may have some foundation. You are so good as to add, that, "if it can be proved you have unjustly suspected me, you shall have a satisfaction in acknowledging the error." It is often a thing hard to

prove that suspicions are unjust, even when we know what they are; and harder, when we are unacquainted with them. I must presume, therefore, that, in mentioning them, you had an intention of communicating the grounds of them to me, if I should request it, which I now do, and, I assure you, with a sincere desire and design of amending what you may show me to have been wrong in my conduct, and to thank you for the admonition. In your writings I *appear* a bad man; but, if I am such, and you can thus help me to become *in reality* a good one, I shall esteem it more than a sufficient reparation to, Reverend Sir, your most obedient humble servant,

B. FRANKLIN.*

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* A memorandum was found appended to the rough draft of this letter, in the handwriting of the author, dated February 7th, 1775, in which he said; "No answer has yet been received." In a future edition of his work, however, Dean Tucker omitted the offensive passages, but with so ill a grace as almost to take away the little merit there was in rendering so obvious an act of justice. The circumstance is mentioned by him in the preface to a tract, entitled, "*A Series of Answers to Certain Popular Objections*," published in 1776.

"In the first and second editions of my *Fourth Tract*," he says, "unhappily for me, I had charged him with procuring a place for himself in the American stamp-office; whereas, alas! it proved to be not for himself, but for his friend. And, as a poor culprit was thus detected in an offence of so heinous a nature against the eternal truth and rectitude of things, great were the exultations of the Doctor and his patriotic friends. Reader, I plead guilty to the indictment; *habes confitentem reum*. Therefore I will lay Dr. Franklin's own state of the case before you; and this the rather, because his republican agents and abettors, the MONTHLY REVIEWERS, have dared me to publish his own account; hoping, I suppose, that I had mislaid my voucher."

The Dean then proceeds to make a short extract from Dr. Franklin's letter, instead of publishing the whole; which extract he endeavours to turn to the author's disadvantage. Although the Dean confessed himself in fault, yet, in this pretended reparation, his conduct is so indirect and disingenuous, that nothing can be claimed for him on the score of fairness or magnanimity. — EDITOR.

ON

THE RISE AND PROGRESS

OF THE

DIFFERENCES BETWEEN GREAT BRITAIN

AND HER AMERICAN COLONIES.

The following papers, first printed in the *Public Advertiser* in London, are supposed by William Temple Franklin to have been written about the time of the author's departure for America; but their precise dates have not been ascertained. — EDITOR.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR,

The enclosed paper was written just before Lord Hillsborough quitted the American department. An expectation then prevailing, from the good character of the noble Lord who succeeded him, that the grievances of the colonies would, under his administration, be redressed, it was laid aside; but, as not a single measure of his predecessor has since been even attempted to be changed, and on the contrary new ones have been continually added, farther to exasperate, render them desperate, and drive them, if possible, into open rebellion, it may not be amiss now to give it to the public, as it shows in detail the rise and progress of those differences, which are about to break the empire in pieces.

I am, Sir, yours, &c.,

A. P.

Sir,

It is a bad temper of mind that takes a delight in opposition, and is ever ready to censure ministry in the gross, without discrimination. Charity should be willing to believe, that we never had an administration so bad, but there might be some good and some wise men in it; and that even such is our case at present. The Scripture saith, "By their works shall ye know them." By their conduct, then, in their respective departments, and not by their company or their party connexions, should they be distinctly and separately judged.

One of the most serious affairs to this nation, that has of late required the attention of government, is our misunderstanding with the colonies. They are in the department of Lord Hillsborough, and, from a prevailing opinion of his abilities, have been left by the other ministers very much to his management. If, then, our American business has been conducted with prudence, to him chiefly will be due the reputation of it.

Soon after the late war, it became an object with the ministers of this country to draw a revenue from America. The first attempt was by a Stamp Act. It soon appeared, that this step had not been well considered; that the rights, the ability, the opinions and temper of that great people had not been sufficiently attended to. They complained, that the tax was *unnecessary*, because their Assemblies had ever been ready to make voluntary grants to the crown in proportion to their abilities, when duly required so to do; and *unjust*, because they had no representative in the British Parliament, but had Parliaments of their own, wherein their consent was *given*, as it *ought to be*, in *grants* of their own money. I do not mean to enter into this question. The Parliament repealed the act as inexpedient, but in another act asserted a right of

taxing America; and in the following year laid duties on the manufactures of this country exported thither. On the repeal of the Stamp Act, the Americans had returned to their wonted good-humor and commerce with Great Britain; but this new act for laying duties renewed their uneasiness. They were long since forbidden by the Navigation Act to purchase manufactures of any other nation; and, supposing that act well enforced, they saw, that by this indirect mode it was in the power of Great Britain to burden them as much as by any direct tax, unless they could lay aside the use of such manufactures as they had been accustomed to purchase from Britain, or make the same themselves.

In this situation were affairs, when my Lord Hillsborough entered on the American administration. Much was expected from his supposed abilities, application, and knowledge of business in that department. The newspapers were filled with his panegyrics, and expectations raised perhaps inconveniently.

The Americans determined to petition their sovereign, praying his gracious interposition in their favor with his Parliament, that the imposition of these duties, which they considered as an infringement of their rights, might be repealed. The Assembly of the Massachusetts Bay had voted that it should be proposed to the other colonies to concur in that measure. This, for what reason I do not easily conceive, gave great offence to his Lordship; and one of his first steps was to *prevent* these concurring petitions. To this end, he sent a mandate to that Assembly (the Parliament of that country), requiring them to *rescind* that vote, and desist from the measure, threatening them with dissolution in case of disobedience. The governor communicated to them the instructions he received to that purpose. They refused to obey, and were dissolved! Similar orders

were sent at the same time to the governors of the other colonies, to dissolve their respective Parliaments if they presumed to accede to the Boston proposition of petitioning his Majesty, and several of them were accordingly dissolved.

Bad ministers have ever been averse to the right subjects claim of petitioning and remonstrating to their sovereign; for through that channel the prince may be apprized of the mal-administration of his servants; they may sometimes be thereby brought into danger; at least such petitions afford a handle to their adversaries, whereby to give them trouble. But, as the measure to be complained of was not his Lordship's, it is rather extraordinary that he should thus set his face against the intended complaints. In his angry letters to America, he called the proposal of these petitions "a measure of most *dangerous* and *factious* tendency, calculated to inflame the minds of his Majesty's subjects in the colonies, to promote an *unwarrantable combination*, and to excite and encourage an *open opposition* to, and denial of, *the authority of the Parliament*, and *to subvert the true spirit of the constitution;*" and directed the governors, immediately on the receipt of these orders, to exert their utmost influence to defeat this *flagitious* attempt.

Without entering into the particular motives to this piece of his Lordship's conduct, let us consider a little the wisdom of it. When subjects conceive themselves oppressed or injured, laying their complaints before the sovereign, or the governing powers, is a kind of vent to griefs that gives some ease to their minds; the receiving with at least an *appearance* of regard their petitions, and taking them into consideration, gives present hope, and affords time for the cooling of resentment; so that even the refusal, when decently expressed and

accompanied with reasons, is made less unpleasant by the manner, is half approved, and the rest submitted to with patience. But when this vent to popular discontents is denied, and the subjects are thereby driven to desperation, infinite mischiefs follow. Many princes have lost part, and some the whole of their dominions, and some their lives, by this very conduct of their servants. The Secretary for America, therefore, seems in this instance not to have judged rightly for the service of his excellent master.

But supposing the measure of discouraging and *preventing* petitions a right one, were the means of effecting this end judiciously chosen? I mean, the threatening with *dissolution* and the actual dissolving of the American Parliaments. His Lordship probably took up the idea from what he knows of the state of things in England and Ireland, where, to be re-chosen upon a dissolution, often gives a candidate great trouble, and sometimes costs him a great deal of money. A dissolution may therefore be both fine and punishment to the members, if they desire to be again returned. But, in most of the colonies, there is no such thing as standing candidate for election. There is neither treating nor bribing. No man even expresses the least inclination to be chosen. Instead of humble advertisements, entreating votes and interest, you see, before every new election, requests of former members, acknowledging the honor done them by preceding elections, but setting forth their long service and attendance on the public business in that station, and praying that, in consideration thereof, some other person may be chosen in their room.

Where this is the case, where the same representatives may be, and generally are, after a dissolution, chosen, without asking a vote or giving even a glass

of cider to an elector, is it likely that such a threat could contribute in the least to answer the end proposed? The experience of former governors might have instructed his Lordship, that this was a vain expedient. Several of them, misled by their English ideas, had tried this practice to make Assemblies submissive to their measures, but never with success. By the influence of his power in granting offices, a governor naturally has a number of friends in an Assembly; these, if suffered to continue, though a minority, might frequently serve his purposes, by promoting what he wishes, or obstructing what he dislikes. But if, to punish the majority, he in a pet dissolves the House, and orders a new election, he is sure not to see a single friend in the new Assembly. The people are put into an ill humor by the trouble given them, they resent the dissolution as an affront, and leave out every man suspected of having the least regard for the governor. This was the very effect of my Lord's dissolutions in America, and the new Assemblies were all found more untractable than the old ones.

But besides the imprudence of this measure, was it constitutional? The crown has doubtless the prerogative of dissolving Parliaments, a prerogative lodged in its hands for the public good, which may in various instances require the use of it. But should a king of Great Britain demand of his Parliament the rescission of any vote they had passed, or forbid them to petition the throne, *on pain of dissolution*, and actually dissolve them accordingly, I humbly conceive the minister who advised it would run some hazard of censure at least, for thus using the prerogative to the violation of *common right*, and breach of the constitution. The American Assemblies have no means of impeaching such a minister; but there is an Assembly, the Parliament of

England, that has that power, and in a former instance exercised it well, by impeaching a great man, Lord Clarendon, for having, though in one instance only, *endeavoured to introduce arbitrary government into the colonies.*

The effect this operation of the American Secretary had in America, was not a prevention of those petitions, as he intended, but a despair in the people of any success from them, since they could not pass to the throne but through the hands of one, who showed himself so extremely averse to the existence of them. Thence arose the design of interesting the British merchants and manufacturers in the event of their petitions, by agreements not to import goods from Great Britain till their grievances were redressed. Universal resentment occasioned these agreements to be more generally entered into, and the sending of troops to Boston, who daily insulted the Assembly * and townsmen, instead of terrifying into a compliance with his measures, served only to exasperate and sour the minds of the people throughout the continent, make frugality fashionable, when the consumption of British goods was the question, and determine the inhabitants to exert every nerve in establishing manufactures among themselves.

Boston having grievously offended his Lordship, by the refractory spirit they had shown in re-choosing those representatives, whom he esteemed the leaders of the opposition there, he resolved to punish that town by removing the Assembly from thence to Cambridge, a country place about four miles distant. Here too his Lordship's English and Irish ideas seem to have misled him. Removing a Parliament from London or Dublin,

* They mounted a numerous guard daily round the Parliament-House, with drums beating and fifes playing, while the members were in their debates, and had cannon planted and pointed at the building.

where so many of the inhabitants are supported by the expense of such a number of wealthy Lords and Commoners, and have a dependence on that support, may be a considerable prejudice to a city deprived of such advantage; but the removal of the Assembly, consisting of frugal, honest farmers, from Boston, could only affect the interest of a few poor widows, who kept lodging-houses there. Whatever manufactures the members might want, were still purchased at Boston. They themselves indeed suffered some inconvenience, in being perhaps less commodiously lodged, and being at a distance from the records; but this, and the keeping them before so long prorogued, when the public affairs required their meeting, could never reconcile them to ministerial measures; it could serve only to put them more out of humor with Britain and its government so wantonly exercised, and to so little purpose. Ignorance alone of the true state of that country can excuse (if it may be excused) these frivolous proceedings.

To have *good ends* in view, and to use *proper means* to obtain them, shows the minister to be both *good* and *wise*. To pursue *good ends* by *improper means* argues him, though *good*, to be but *weak*. To pursue *bad ends*, by *artful means*, shows him to be *wicked*, though *able*. But when his *ends* are *bad*, and the means he uses *improper* to obtain these ends, what shall we say of such a minister? Every step taken for some time past in our treatment of America, the suspending their legislative powers for not making laws *by direction* from hence; the countenancing their adversaries by rewards and pensions, paid out of the revenues extorted from them by laws to which they have not given their assent; the sending over a set of rash, indiscreet commissioners to collect that revenue, who by

insolence of behaviour, harassing commerce, and perpetually accusing the good people (out of whose substance they are supported) to government here, as rebels and traitors, have made themselves universally odious there, but here are caressed and encouraged; together with the arbitrary dissolution of Assemblies, and the quartering troops among the people, to menace and insult them; all these steps, if intended to provoke them to rebellion, that we might take their lives and confiscate their estates, are proper means to obtain a bad end. But, if they are intended to conciliate the Americans to our government, restore our commerce with them, and secure the friendship and assistance which their growing strength, wealth, and power may, in a few years, render extremely valuable to us, can any thing be conceived more injudicious, more absurd! His Lordship may have in general a good understanding; his friends say he has; but in the political part of it, there must surely be some *twist*, some extreme *obliquity*.

A Well-wisher to the King and all his Dominions.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

Sir,

Your correspondent Britannicus inveighs violently against Dr. Franklin, for his ingratitude to the ministry of this nation, who have conferred upon him so many favors. They gave him the post-office of America; they made his son a governor; and they offered him a post of five hundred a year in the salt-office, if he would relinquish the interests of his country; but he has had the wickedness to continue true to it, and is as much an American as ever. As it is a settled point in government here, that every man has his price,

it is plain they are bunglers in their business, and have not given him enough. Their master has as much reason to be angry with them, as Rodrigue in the play with his apothecary, for not effectually poisoning Pandolpho, and they must probably make use of the apothecary's justification, viz.

'SCENE IV. *Rodrigue* and *Fell*, the Apothecary.

"*Rodrigue.* You promised to have this Pandolpho upon his bier in less than a week; 't is more than a month since, and he stills walks and stares me in the face.

"*Fell.* True; and yet I have done my best endeavours. In various ways I have given the miscreant as much poison as would have killed an elephant. He has swallowed dose after dose; far from hurting him, he seems the better for it. He hath a wonderfully strong constitution. I find I cannot kill him but by cutting his throat, and that, as I take it, is not my business.

"*Rodrigue.* Then it must be mine."

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR,

Nothing can equal the present rage of our ministerial writers against our brethren in America, who have the misfortune to be *whigs* in a reign when *whiggism* is out of fashion, who are besides Protestant Dissenters and lovers of liberty. One may easily see from what quarter comes the abuse of those people in the papers; their struggle for their rights is called REBELLION, and the people REBELS; while those who really rebelled in Scotland (1745) for the expulsion of the present reigning family, and the establishment of Popery and

arbitrary power, on the ruins of liberty and Protestantism, who entered England and marched on as far as Derby, to the astonishment of this great city, and, shaking the public credit of the nation, have now all their sins forgiven on account of their modish principles, and are called, not *rebels*, but by the softer appellation of *insurgents!*

These angry writers use their utmost efforts to persuade us, that this war with the colonies (for a war it will be) is a national cause, when in fact it is merely a ministerial one. Administration wants an American revenue to dissipate in corruption. The quarrel is about a paltry three-penny duty on tea. There is no real clashing of interests between Britain and America. Their commerce is to their mutual advantage, or rather most to the advantage of Britain, which finds a vast market in America for its manufactures; and *as good pay*, I speak from knowledge, as in any country she trades to upon the face of the globe. But the fact needs not my testimony; it speaks for itself; for if we could elsewhere get better pay and better prices, we should not send our goods to America.

The gross calumniators of that people, who want us to imbrue our hands in brothers' blood, have the effrontery to tell the world, that the Americans associated in resolutions not to pay us what they owed us, unless we repealed the Stamp Act. This is an INFAMOUS FALSEHOOD; they know it to be such. I call upon the incendiaries, who have advanced it, to produce their proofs. Let them name any two that entered into such an association, or any one that made such a declaration. Absurdity makes the very face of this lie. Every one acquainted with trade knows, that a credited merchant, daring to be concerned in such an association, could never expect to be trusted again. His

character on the Exchange of London would be ruined for ever. The great credit given them since that time, nay, the present debt due from them, is itself a proof of the confidence we have in their probity.

Another villanous falsehood advanced against the Americans is, that, though we have been at such expense in protecting them, they refuse to contribute their part to the public general expense of the empire. The fact is, that *they never did refuse a requisition of that kind.* A writer, who calls himself *Sagittarius* (I suppose from his flinging about, like Solomon's fool, firebrands, *arrows*, and death), in the LEDGER of March 9th, asserts, that the "experiment has been tried, and that they did not think it expedient to return even an answer." How does he prove this? Why, "the colony agents were told by Mr. Grenville, that a revenue *would be* required from them to defray the expenses of their protection." But was the requisition ever made? Were circular letters ever sent, by his Majesty's command, from the Secretary of State to the several colony governments, according to the established custom, stating the occasion and requiring such supplies as were suitable to their abilities and loyalty? And did they then refuse, not only compliance, but an answer? No such matter; agents are not the channel through which requisitions are made. If they were told by Mr. Grenville, that "a revenue *would be* required, and yet the colonies made no offer, no grant, nor laid any tax," does it follow they would not have done it, if they had been required? Probably they thought it time enough when the *requisition* should come, and in fact it never appeared there to this day. In the last war they all gave so liberally, that we thought ourselves bound in honor to return them a million. But we are disgusted with their free gifts; we want to have something that

is obtained by force, like a mad landlord who should refuse the willing payment of his full rents, and choose to take less by way of robbery.

This shameless writer would cajole the people of England with the fancy of their being kings of America, and that their honor is at stake by the Americans disputing *their* government. He thrusts us into the throne cheek-by-jole with Majesty, and would have us talk, as he writes, of *our* subjects in America, and *our sovereignty* over America; forgetting that the Americans are subjects of the King, not *our* subjects, but our *fellow subjects;* and that they have Parliaments of their own, with the right of granting their own money by their own representatives, which we cannot deprive them of but by violence and injustice.

Having by a series of iniquitous and irritating measures provoked a loyal people almost to desperation, we now magnify every act of an American mob into REBELLION, though the government there disapprove it and order prosecution, as is now the case with regard to the tea destroyed. And we talk of nothing but troops and fleets, and force, of blocking up ports, destroying fisheries, abolishing charters, &c. &c. Here mobs of English sawyers can burn saw-mills; mobs of English laborers destroy or plunder magazines of corn; mobs of English coal-heavers attack houses with firearms; English smugglers can fight regularly the King's cruising vessels, drive them ashore, and burn them, as lately on the coast of Wales, and on the coast of Cornwall; but upon these accounts we hear no talk of England's being in *rebellion;* no threats of taking away its Magna Charta, or repealing its Bill of Rights; for we well know, that the operations of a mob are often unexpected, sudden, and soon over, so that the civil power can seldom prevent or suppress

them, not being able to come in before they have dispersed themselves; and therefore it is not always accountable for their mischiefs.

Surely the great commerce of this nation with the Americans is of too much importance to be risked in a quarrel, which has no foundation but ministerial pique and obstinacy!

To us in the way of trade comes now, and has long come, all the super-lucration arising from their labors. But will our reviling them as cheats, hypocrites, scoundrels, traitors, cowards, tyrants, &c. &c., according to the present court mode in all our papers, make them more our friends, more fond of our merchandise? Did ever any tradesman succeed, who attempted to drub customers into his shop? And will honest JOHN BULL, the farmer, be long satisfied with servants, that before his face attempt to kill his *plough-horses?*

A LONDONER.

END OF VOL. IV.

CAMBRIDGE:
FOLSOM, WELLS, AND THURSTON,
PRINTERS TO THE UNIVERSITY.